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VOCATIONAL REHABILITATION DEPARTMENT
SOUTH CAROLINA STATE PLAN
FISCAL YEAR 1978 - 1979

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL
Office of Human Development State Plan Programs

TO: Director
Office of Rehabilitation Services
Department of Health, Education
and Welfare

TRANSMITTAL NUMBER

79-1

I PROGRAM IDENTIFICATION (Same identification as title page of preprinted plan)

II TYPE OF ACTION SUBMITTED FOR APPROVAL (Check and enter effective date)

☐ NEW STATE PLAN

☒ *PART A OF ANNUAL STATE PLAN IS REAFFIRMED

EFFECTIVE DATE

☐ AMENDMENT

☒ *PART B OF ANNUAL STATE PLAN IS ATTACHED

October 1, 1978

*FOR VR PROGRAMS ONLY

COMPLETE REMAINDER OF PART II IF THIS IS AN AMENDMENT (Separate Transmittal for Each Amendment)

FEDERAL REGULATION CITATION

NUMBER OF THE PLAN SECTION OR ATTACHMENT

NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT

SUBJECT OF AMENDMENT

III GOVERNOR'S REVIEW (Check one)

☐ GOVERNOR'S OFFICE REPORTED NO COMMENT

☐ NO REPLY RECEIVED WITHIN 45 DAYS OF

☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

SUBMITTAL TO GOVERNOR'S OFFICE

SIGNATURE OF STATE AGENCY OFFICIAL

TITLE

Joe S. Dusenbury
Commissioner

DATE

June 30, 1978

REPORT OF APPROVAL

DATE RECEIVED IN REGIONAL OFFICE

6/26/78

REGION

IV

PLAN APPROVED - ONE COPY ATTACHED
SIGNATURE OF REGIONAL OFFICIAL

Stephen Howard

TITLE
Director, Office of
Rehabilitation Services

DATE

9/1/78

REMARKS

RETURN TO: (Name & Address of State Agency)

S. C. Vocational Rehabilitation Dept.
Post Office Box 4945
Columbia, South Carolina 29240

State South Carolina

General or combined Agency Voc.Rehab.Dept.

Blind Agency _____

FY 1978 STATE PLAN FOR VOCATIONAL REHABILITATION SERVICES
UNDER SECTION 101 OF THE REHABILITATION ACT OF 1973, AS AMENDED

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1/

LIST OF ALL POSSIBLE REQUIRED ATTACHMENTS

(a) Required of all State agencies

- 2A List of pertinent laws and interpretations
- 3.1A Attorney General's certification
- 3.3(a)A Organization and functions of the sole State agency and VR organizational unit
- 3.3(a)B Organization charts
- or 4.1A Responsibility for appointment of personnel under a federally approved merit system
- 4.1B Description of personnel system other than a federally approved merit system
- 4.2A Basic affirmative action plan for equal employment opportunity
- 4.3A Basic affirmative action plan for employment and advancement opportunity for handicapped individuals
- 8.3A Methods of expanding and improving services to the severely handicapped
- 9.11(a)A Methods of administration (civil rights)

(b) Required if certain options are chosen

- 2/
- 1.2 Concurrence in a consolidated VR/DD State plan
 - 1.3A Criteria of visual disability distinguishing responsibilities of the general and blind agencies
 - 3.5A Types of activities carried out under approved waiver(s) of Statewideness
 - 6.3(a)A Services for which there is an economic needs test
 - 8.2(a)A Groups of handicapped individuals in State agency's order of selection (additional priorities)
 - 8.2(b)A Outcomes and service goals

1/ See topic IV-B-1 of "Instructions to State Agencies".

2/ For 1.2A, use attached preprint statement of concurrence.

EFFECTIVE DATE: October 1, 1978

FY 1978 State Plan for Vocational Rehabilitation Services Under Title I of the Rehabilitation Act of 1973, as amendedState South CarolinaGeneral or combined Agency Voc. Rehab. Dept.

Blind Agency _____

Citations	
Rehabilitation Act as amended or as stated	45 CFR

Section 1. Plan submittal and purpose1.1 Submittal and purpose

As a condition to receipt of Federal funds under Title I of the Rehabilitation Act of 1973, as amended, for vocational rehabilitation services and for innovation and expansion grant projects, the S. C. Vocational Rehabilitation Department
(name of sole State Agency)

submits this State Plan for vocational rehabilitation services and agrees to administer the program in accordance with this State plan, the Act 1/, and all applicable regulations, policies and procedures established by the Secretary 2/.

Sec. 101 (a)

Sec. 1361.2 (a)

1.2 Consolidated VR/DD plan

This is a consolidated State plan for vocational rehabilitation and developmental disabilities which conforms with 45 CFR 1961.2(d).

Sec. 6

Sec. 1361.2 (d)

1/ Unless otherwise stated, "Act" means the Rehabilitation Act of 1973 (P.L. 93-112) as amended

2/ The definitions in the Regulations implementing the Rehabilitation Act of 1973, as amended, apply to the words and phrases used throughout this plan

Effective Date: October 1, 1978

State South Carolina
 General or combined Agency Voc. Rehab. Dept.
 Blind Agency
 Citations
Rehabilitation Act as
amended or as stated 45 CFR

☒ No.

☐ Yes. Attachment 1.2A is a statement of concurrence by the Chairman of the State Developmental Disabilities Planning and Advisory Council and the State agency(ies) which administer the developmental disabilities program. The DD part is attached.

1.3 Services to the blind

Sec. 1361.2(c)

This plan covers vocational rehabilitation services for the blind

☒ No. Attachment 1.3A states the criteria of visual disability distinguishing the responsibilities of the general and blind agencies.

☐ Yes. Attachment 1.3A states the criteria of visual disability distinguishing the responsibilities of the general and blind agencies. (This box will be checked by agencies for the blind and the attachment submitted. Combined agencies will also check this box but will not submit the attachment.)

1.4 Submission of State plans and plans amendments

Sec. 101(a)

Secs. 1361.2
(b) & (c)

The plan will be submitted annually, or amended more frequently if necessary to reflect any material change in applicable State law, organization, policy, or agency operations. Amendments will be submitted before they are put into effect or within a reasonable time thereafter

Effective Date: October 1, 1978

State South Carolina

General or combined Agency Voc.Rehab.Dept.

Blind Agency _____

	<u>Citations</u>
<u>Rehabilitation Act as amended or as stated</u>	<u>45 CFR</u>

1.5 Opportunity for Governor's review and comment

Sec. 1361.3

The Governor will be given opportunity to review and comment on any State vocational rehabilitation plan or amendment or other type of document specified in 45 CFR 1361.3. This opportunity will be provided and any comments by the Governor's Office will be forwarded to RSA in accordance with the same regulation.

Section 2. Legal basis

Sec. 1361.6(d)

The State statutory authority for administration or supervision of the administration of the program by the State agency is The Voc.Rehab. Act of South Carolina (1957(50)114).
 The State statutory authority for administration by local agencies is N/A.
 Attachment 2A lists all laws and interpretations thereof by appropriate State officials directly pertinent to the basic authority and organization for administration or supervision of administration of the vocational rehabilitation program.

Effective Date: October 1, 1978

State South CarolinaGeneral or combined Agency Voc. Rehab. Dept.

Blind Agency _____

Citations

Rehabilitation Act as
amended or as stated45 CFRSection 3. Agency organization

3.1 Designation and authority of sole State agency

The S. C. State Agency of Vocational Rehabilitation is the sole State agency designated to administer or supervise the administration of the program under this plan. Attachment 3.1A is a certification by the State Attorney General identifying the sole State agency and citing its legal authority to administer or to supervise the administration of the program. On designation of a new State agency, a new State plan will be submitted within 90 days after the new designation. (All references in this plan to "the sole State agency" or to "the State agency" mean the agency named in this paragraph.)

Sec. 101(a)(1)(A)

Secs. 1361.6(a)
(c) & (f)3.2 Type of sole State agency

The sole State agency is:

- (a) XX a State agency primarily concerned with vocational rehabilitation or vocational and other rehabilitation of handicapped individuals.

(For general or combined VR programs, or for independent State commission for the blind and visually handicapped)

Sec. 101(a)(1)

Secs. 1361.6(b)
& (c)

Effective Date: October 1, 1978

State South CarolinaGeneral or combined Agency Voc. Rehab. Dept.

Blind Agency _____

Citations

Rehabilitation Act as
amended or as stated45 CFR

- (b) ☐ a State education or vocational education agency (for general or combined VR programs or for separate VR programs for the blind and visually handicapped)
- (c) ☐ a State agency which includes at least two other major organizational units, each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor. (for general or combined VR programs, or for separate programs for the blind and visually handicapped located in an agency providing assistance or services to the adult blind)

3.3 Organization and functions of the sole State agency and VR Organizational unit

Sec. 1361.7(a)

- (a) Attachment 3.3(a)A gives a brief description of the sole State agency's organization and functions, and if applicable, descriptions of the major grant or service programs administered by the sole State agency showing to which organizational units such programs are assigned, and the relationships between the vocational rehabilitation and other organizational units.
- (b) Attachment 3.3(a)B provides organization charts reflecting (1) the State agency's relationship to the Governor and to overall State Government; (2) the internal structure of the State agency; and (3) the internal structure of the VR organizational unit.

Effective Date: October 1, 1978

State South Carolina

General or combined agency Voc.Rehab.Dept.

Blind agency _____

Citations	
Rehabilitation Act as amended or as stated	45 CFR

- (c) All decisions affecting eligibility for the nature and scope of, and the provision of vocational rehabilitation services, will be made by the sole State agency through its VR organizational unit, or by a local agency under its supervision. This responsibility will not be delegated to any other agency or individual.

- (d) XX The sole State agency is of the type described in Section 3.2(a).

- (e) ☐ The sole State agency is one of the types described in Section 3.2(b) or (c).

- (F) The organizational unit responsible for operation of:

1. the general or combined vocational rehabilitation program is _____.
(name of unit)
2. the vocational rehabilitation program for the blind is _____.
(name of unit)

Sec. 101(a)(1) & (2) Sec. 1361.6(e)
1361.7(b)

Sec. 101(a)(1) & (2) Sec. 1361.7(b)

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc. Rehab. Dept.

Blind agency _____

	<u>Citations</u>
<u>Rehabilitation Act as amended or as stated</u>	<u>45 CFR</u>

(g) The VR organizational unit:

(A) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of handicapped individuals and is responsible for the State agency's vocational rehabilitation program which includes the determination of eligibility for the provision of vocational rehabilitation services under the State plan;

Sec. 101(a)(2)(A)

Sec. 1361.7(b)

(B) has a full-time director; and

(C) has a staff employed on such rehabilitation work, all or substantially all of whom are employed full time on such work.

(h) The VR organizational unit is located at an organizational level and has an organizational status within the sole State agency comparable to that of other major organizational units, in accordance with 45 CFR 1361.7(c).

Sec. 101(a)(2)(B)

Sec. 1361.7(c)

(i) There is a full-time State Administrator who directs the sole State agency specified in 3.2(a) or the organizational unit named in 3.3(f).

Sec. 101(a)(2)(A)

Sec. 1361.8

Effective Date: October 1, 1978

State South Carolina

General or combined agency Voc.Rehab.Dept.

Blind agency _____

Citations	
Rehabilitation Act as amended or as stated	45 CFR

Secs. 101(a)(1)(A) & 7(7)	Sec. 1361.9
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3.4 Local administration of Vocational Rehabilitation Program

☒ The plan is not administered by local agencies.

☐ The plan is administered by one or more sole local agencies, in accordance with 45 CFR 1361.9, under written agreements with the State agency assuring operation under the supervision of the State agency, in accordance with the State plan, and in compliance with the State agency's statewide standards. Such agreement set forth the methods to be followed by the State agency in its supervision of the local agency, including an evaluation of the effectiveness of the local agency's program; and the basis on which the State agency participates financially in locally administered vocational rehabilitation programs under its supervision, and indicates whether the local agency will use another local public or nonprofit agency in the provision of vocational rehabilitation services.

The sole local agency is responsible for administration of all aspects of the program within the political subdivision which it serves.

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc. Rehab. Dept.

Blind agency _____

Citations	
Rehabilitation Act as amended or as stated	45 CFR

3.5 Statewideness

- (a) ☒ The State plan is in operation in all political subdivisions of the State.
- (b) ☐ One or more waivers of statewideness are in effect under this plan, for carrying out State Agency VR activities in one or more political subdivisions through local financing. Each waiver conforms with 45 CFR 1361.12. Attachment 3.5A provides a brief description, including scope and focus, of all cooperative agreements and third party arrangements.
- (c) ☐ The Commissioner has approved a request under 45 CFR 1361.11 for a special joint project or program involving shared funding and administration as shown in Section 9.10.

Sec. 101(a)(4)

Secs. 1361.2(a)
1361.11, 1361.12,
1361.81
1361.82

Section 4. Personnel Administration**4.1 Type of personnel system**

- ☐ a federally approved State merit system in conformity with the Standards for a Merit System of Personnel Administration (45 CFR Part 70) and any standards prescribed by the U.S. Civil Service Commission pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Attachment 4.1A describes the responsibility for appointment of personnel.

Sec. 101(a)(7)

Sec. 1361.15

Effective Date October 1, 1978

State South Carolina
 General or combined agency Voc. Rehab. Dept.
 Blind Agency _____
 Citations
Rehabilitation Act as
amended or as stated 45 CFR

XX a personnel system other than a federally approved State merit system. Attachment 4.1B describes this system, including the information and policy assurances required by 45 CFR 1361.15(a).

4.2 Affirmative action plan for equal employment opportunity

The State agency will develop and implement an affirmative action plan for equal employment opportunity for all aspects of personnel administration as required under 45 CFR 70.4 and 45 CFR 1361.15(a) and (b).

Attachment 4.2A is a copy of the basic affirmative action plan for assuring equal employment opportunity for members of minority groups on the basis of race, color, and national origin, older persons, and women. As a minimum the basic affirmative action plan must cover (a) specific action steps; (b) general time tables; and (c) complaint and enforcement procedures, necessary to assure such affirmative action.

Title VII, Civil Rights Act of 1964, as amended; Sec. 101(a)(7)	29 CFR Chap. XIV, Parts 1600-1610.45;
Age Discrimination in Employment Act of 1967, as amended	CFR 70.4 and Sec. 1361.15 (a) & (b)

Effective Date: October 1, 1978

State South Carolina
 General or combined agency Voc. Rehab. Dept.
 Blind Agency _____

	<u>Citations</u>
<u>Rehabilitation Act as</u>	
<u>amended or as stated</u>	<u>45 CFR</u>

4.3 Affirmative action plan for employment and advancement opportunity for handicapped individuals

Sec. 101(a)(6)

Sec. 1361.15
(c)

The State agency will develop and implement an affirmative action plan for employment opportunity and advancement opportunity for qualified handicapped individuals in accordance with 45 CFR 1361.15.

Attachment 4.3A is a copy of the State agency's basic affirmation action plan for employment of handicapped individuals. As a minimum, the basic affirmative action plan must cover (a) specific action steps; (b) general time tables; and (c) complaint and enforcement procedures, necessary to assure such affirmative action.

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc.Rehab.Dept.

Blind agency _____

	<u>Citations</u>	
<u>Rehabilitation Act as</u>		
<u>amended or as stated</u>		<u>45 CFR</u>

4.4 Consistency with State licensure laws and regulations

Sec. 1361.15(a)

The State agency's personnel standards followed in the administration of the vocational rehabilitation program are consistent with State licensure and other pertinent laws and regulations applicable to its own employees.

4.5 Maintenance of written personnel policies and records

Sec. 1361.15(d)

The State agency maintains such written personnel policies, records, and other information as will permit evaluation of personnel operations in relation to the State agency's standards.

4.6 Staffing

Sec. 1361.14

Staff in sufficient number and with appropriate qualifications is available to carry out all functions required under the Act and 45 CFR 1361.14. Such staff includes specialists in the areas of program planning and evaluation, staff development, rehabilitation facility development and utilization, medical consultation, expansion and improvement of services to the severely handicapped, and affirmative action for equal employment opportunity for the handicapped.

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc.Rehab.Dept.

Blind agency _____

	Citations
Rehabilitation Act as amended or as stated	<u>45 CFR</u>

4.7 Staff Development

Sec. 1361.16

The State agency provides for a program of staff development for all classes of positions in accordance with 45 CFR 1361.16.

4.8 Participation in political activity

Sec. 1361.17

The State agency prohibits staff employed in the day to day administration and operation of the program from engaging in political activity prohibited by the Hatch Act (5USC Chapter 15 and, with regard to the District of Columbia, 5 USC Chapter 73).

Section 5 Financial administration

Sec. 101(a) (3)

Secs. 1361.2(a),
1361.80**5.1 Sources of State funds**

- (a) ☐ State funds expended for this program will derive only from funds appropriated for VR purposes.
- (b) ☒ State funds expended for this program will include State appropriated funds, and funds made available for Federal matching from all other sources.

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc. Rehab. Dept.

Blind agency _____

Citations	
Rehabilitation Act as amended or as stated	45 CFR

5.2 General administrative and fiscal requirements

The State agency has adopted policies and methods pertinent to the fiscal administration and control of the vocational rehabilitation program in accordance with 45 CFR 1361.23.

Sec. 101(a)(6)

Sec. 1361.23

Section 6 Scope of agency program6.1 Vocational rehabilitation services to individualsSec. 101(a)(8) &
103(a)Secs. 1361.1(ee),
1361(1), 1361.40
(a), 1361.71(a) List of services

All the following VR services, as described in 45 CFR 1361.40(a), will be available to individuals, as needed;

- (1) Evaluation of rehabilitation potential;
- (2) Counseling, guidance, and referral;
- (3) Physical and mental restoration services;
- (4) Vocational and other training services;
- (5) Maintenance;
- (6) Transportation;
- (7) Services to members of a handicapped individual's family necessary to the adjustment or rehabilitation of the handicapped individual;
- (8) Interpreter services for the deaf;
- N/A (9) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

Note: Blind services provided by separate State Agency

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc. Rehab. Dept.

Blind agency _____

Citations

Rehabilitation Act as amended or as stated	45 CFR
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- (10) Telecommunications, sensory, and other technological aids and devices;
- (11) Recruitment and training services to provide new employment opportunities in rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment;
- (12) Placement in suitable employment;
- (13) Postemployment services necessary to assist handicapped individuals to maintain suitable employment;
- (14) Occupational licenses, tools, equipment and initial stocks (including livestock) and supplies; and
- (15) Other goods and services which can reasonably be expected to benefit a handicapped individual in terms of his employability.

(b) State agency's written policies on scope and nature of such services

Sec. 1361.40(b)

The State agency has established in writing and will maintain current policies on the scope and nature of each service specified in Section 6.1(a) and the conditions and procedures under which each such service is to be provided in accordance with 45 CFR 1361.40(b).

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc.Rehab.Dept.

Blind agency _____

Citations

Rehabilitation Act as
amended or as stated45 CFR6.2 Vocational rehabilitation services to groups of handicapped individuals(a) Management services and supervision of small business enterprises

Sec. 103(b)(1)

Secs. 1361.1(ee)
(2)(i), 1361.48
& 1361.72

- (1) The State agency provides management services to and supervision of small business enterprises operated by the most severely handicapped and also provides for the establishment of:

(i) Small business enterprises other than (ii) below

☒ No.☐ Yes. The State agency has established in writing and will maintain the descriptions and assurances required in 45 CFR 1361.48(a).

(ii) Randolph Sheppard Vending Facility Program

☒ No.☐ Yes. The State agency has established in writing and will maintain the descriptions and assurances required in 45 CFR 1361.48(a), and other requirements as prescribed under the Randolph Sheppard Act.

EFFECTIVE DATE: October 1, 1978

State South CarolinaGeneral or combined agency Voc. Rehab. Dept.

Blind agency _____

	Citations
Rehabilitation Act as	45 CFR
amended or as stated	45 CFR

- (2) The State agency elects to set aside funds from the process of the operation of small business enterprises other than the Randolph-Sheppard vending facility program.

☒ No.

☐ Yes. The State agency has established in writing and will maintain a description of the methods used in setting aside such funds, and the purposes for which such funds are set aside. Such purposes conform with 45 CFR 1361.48(b).

Effective Date: October 1, 1978

State South CarolinaGeneral or combined agency Voc. Rehab. Dept.

Blind agency _____

Citations
Rehabilitation Act as amended or as stated
45 CFR

(b) Construction of rehabilitation facilities

The State agency provides for construction of public or other nonprofit rehabilitation facilities.

☐ No.

☒ Yes. The State agency will carry out this activity in conformity with the requirements set forth in 45 CFR 1361.22, 1361.50, and 1361.51.

Note: To be operated by an Organizational unit of the State Agency only.

Secs. 7(1), 7(5), 7(10), 101(a)(17), 103(b)(2), & all of Sec. 306, except (c) & (i)
 Secs. 1361.1(c), 1361.1(u), 1361.1(ee)(2)(iii), 1361.22, 1361.50, 1361.51 & 1361.74

(c) Establishment of rehabilitation facilities

The State agency provides for establishment of public or other nonprofit rehabilitation facilities.

☐ No.

☒ Yes. The State agency will carry out this activity in conformity with the requirements of 45 CFR 1361.49.

Note: To be operated by an Organizational unit of the State Agency only.

Secs. 7(3), 7(5), 7(10), & 103(b)(2)
 Secs. 1361.1(h), 1361.1(u), 1361.1(ee)(2)(ii), 1361.49, & 1361.73

(d) Facilities and services for groups of handicapped individuals

The State agency provides for facilities and services which may be expected to contribute substantially to

Sec. 103(b)(2)
 Secs. 1361.1(ee)(2)(iv), 1361.51, 1361.75

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the rehabilitation of a group of individuals, but which are not related directly to the individualized rehabilitation program of any one handicapped individual.

☐ No.

☒ Yes. The State agency has established in writing and will maintain policies for the provision of such facilities and services.

6.3 Economic need

Sec. 1361.45(a)

(a) State policy

☐ (1) No VR services are provided contingent on the handicapped individual's economic need.

☒ (2) The handicapped individual's economic need is considered for determining his participation in the cost of all VR services other than evaluation of rehabilitation potential (including diagnostic and related services); counseling, guidance, and referral services; and placement. The State agency has established in writing and will maintain its policies on determination of economic need.

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- ☐ (3) The handicapped individual's economic need is considered for determining his participation in the costs of certain VR services other than evaluation of rehabilitation potential; counseling, guidance, and referral services; and placement. Attachment 6.3(a)A identifies the types of services for which there is an economic needs test. The State agency has established in writing and will maintain its policies on determination of economic need.

(b) Equitable treatment

Any economic need policies will be reasonable and applied uniformly to assure equitable treatment. Services provided during extended evaluation will be subject to any economic need policies generally applicable in the program.

6.4 Similar benefits

- (a) VR services for which consideration of similar benefits is required

The State agency will fully consider any similar benefits available to the handicapped individual under any other program to meet, in whole or in part, the cost of VR

Sec. 101(a)(8)

Sec. 1361.45(b)
(1)

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services provided to the individual including services provided under an extended evaluation and training or training services in institutions of higher education except the following: (1) evaluation of rehabilitation potential; (2) counseling, guidance, and referral; (3) vocational and other training services including personal and vocational adjustment training, books, tools, and other training materials; (4) services to members of a handicapped individual's family; (5) placement; and (6) postemployment services.

- (b) VR services for which consideration of similar benefits is provisional

Sec. 101(a)(8)

Sec. 1361.45(b)
(2)

The State agency will fully consider any similar benefit available under any other program to a handicapped individual to meet, in whole or in part, the cost of physical and mental restoration services and maintenance provided to the individual except where such consideration would significantly delay the provision of such services to the individual.

- (c) Adequacy of similar benefits

Sec. 101(a)(8)

Sec. 1361.45(b)
(3)

To the extent that an individual is eligible for such similar benefits, they will be used insofar as they are adequate and do not interfere with achieving the rehabilitation objective of the individual.

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(4) Maximum utilization of community resources

In providing VR services, maximum utilization will be made of public or other vocational or technical training facilities or other appropriate resources in the community.

Sec. 101(a)(12)

Sec. 1361.52

Section 7 Eligibility, ineligibility and certification7.1 Basic conditions of eligibility for VR services

Sec. 7(6)

Sec. 1361.33(b)

Eligibility is based only on (1) the presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and (2) a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

7.2 Factors irrelevant to eligibility for VR services(a) Sex, race, age, creed, color, national origin, type of disabilitySec. 1361.33(a)
(1)

Eligibility requirements will be applied without regard to sex, race, age, creed, color, or national origin. No group of individuals will be excluded or found ineligible solely on the basis of type of disability. No upper or lower age limit will be established which will, of itself, result in a finding of ineligibility for any individual who other-

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wise meets the basic eligibility requirements specified in Section 7.1.

(b) Residence.

No residence requirement, durational or other, is imposed which excludes from services under the plan any individual who is in the State.

Sec. 101(a)(14)

Sec. 1361.33(a)
(2)

7.3 Federal civil employees disabled in line of duty

VR services will be made available to civil employees of the U.S. Government who are disabled in the line of duty under the same terms as apply to other handicapped individuals.

Sec. 101(a)(13)(A)

Sec. 1361.32

7.4 Diagnostic study

(a) Preliminary diagnostic study

In order to determine whether any individual is eligible for vocational rehabilitation services, there will be a preliminary diagnostic study sufficient to determine (1) whether the individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment, and (2) whether VR services may reasonably

Secs. 1361.34(a)
1361.34(b)

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be expected to benefit the individual in terms of employability or whether an extended evaluation of rehabilitation potential is necessary to make such a determination. It will place primary emphasis upon the determination of a vocational goal for the individual and his potential for achieving such a goal. The preliminary diagnostic study will be adequate to appraise the individual's current general health status and to provide the basis for the determinations described in 45 CFR 1361.34(b). In all cases of mental or emotional disorder an examination will be provided by a physician skilled in the diagnosis and treatment of such disorders or by a psychologist licensed or certified in accordance with State laws and regulations, in those States where such laws and regulations pertaining to the practice of psychology have been established.

(b) Thorough Diagnostic Study

As appropriate in each case, there will be a thorough diagnostic study to determine the nature and scope of services needed by the individual. It will consist of a comprehensive evaluation of pertinent medical,

Sec. 1361.35

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psychological, vocational, educational, and other related factors bearing on the individual's handicap to employment and rehabilitation needs. It will be sufficient to determine the VR services which are needed to attain vocational goals of the handicapped individual. It will include, as appropriate, in the individual case, the special examinations and evaluations required by 45 CFR 1361.35(c) through (f). The findings of such study will be recorded in the individualized written rehabilitation program.

7.5 Conditions for acceptance for extended evaluation

Sec. 7(4)(G)

Sec. 1361.36(a)

The provision of VR services under an extended evaluation is based only on (1) the presence of a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment, and (2) the inability, unless there is extended evaluation, to determine whether VR services might benefit the individual in terms of employability.

7.6 Duration, scope of services, and periodic review in the course of extended evaluation and termination of such evaluation

Sec. 7(4)(G)

Secs. 1361.36(b) (c), (d), & (e)

VR services will be provided during extended evaluation for no longer than 18 months and in conformity with 45 CFR 1361.36(b) and (c). The individual's progress will be

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thoroughly assessed as frequently as necessary, but at least once every 90 days while services are provided. Such periodic reports from those providing services as are required by 45 CFR 1361.36(d) will be considered in this assessment. The extended evaluation will be terminated in accordance with 45 CFR 1361.36(e).

7.7 Certification of eligibility, ineligibility, or for extended evaluation

Sec. 1361.37

In each instance, there will be a certification, dated and signed by an appropriate State agency staff member, as to eligibility, ineligibility, or extended evaluation. The certification that the individual has met the eligibility requirements specified in Section 7.1 above will be made prior to or simultaneously with acceptance of a handicapped individual for VR services. The certification for extended evaluation and the certification of ineligibility will be issued pursuant to the requirements of 45 CFR 1361.37(b) and (c), respectively.

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Secs. 101(a)(9) & 102 Sec. 1361.39

7.8 Individualized written rehabilitation program

An individualized written rehabilitation program will be initiated and continuously developed for each handicapped individual eligible for VR services and each handicapped individual being provided such services under an extended evaluation, and VR services will be provided in accordance with such program. This program will be developed jointly by the appropriate State agency staff member and the handicapped individual (or, as appropriate, his parent, guardian, or other representative). It will emphasize primarily the determination and achievement of a vocational goal. A copy of the written program, and any amendments thereto, will be provided to the handicapped individual, or as appropriate, his parent, guardian, or other representative. The individualized written rehabilitation program will be administered in accordance with the requirements of 45 CFR 1361.39.

The program will be initiated after certification of eligibility or certification for extended evaluation. The program will include at least the information described

Secs. 101(a)(9) Sec. 1361.39

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in 45 CFR 1361.39(c), as appropriate. The program will be reviewed at least annually, at which time the individual (or, as appropriate, the parent, guardian, or other representative) will be afforded opportunity to review the program and if necessary redevelop its terms jointly with the appropriate State agency staff member. When services are to be terminated on the basis of a determination that the individual cannot achieve a vocational goal, the conditions set forth in 45 CFR 1361.39(e)(1) and (2) will be met. There will be at least an annual review of the ineligibility decision, in which the individual will be given opportunity for full consultation in accordance with 45 CFR 1361.39(e)(3).

Section 8 Methods of administration particular to vocational rehabilitation

8.1 Continuing statewide studies and program evaluation

(a) Conduct of statewide studies

The State agency will conduct continuing statewide studies of the needs of handicapped individuals within the State, the State's need for rehabilitation facilities, and the methods by which these needs may be most effectively met. Such studies will be directed toward:

Secs. 101(a)(15)
& (19)

Secs. 1361.18 &
1361.2(b)(2)(i)

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- (1) determination of the relative needs for VR services on the part of different segments of the handicapped population, particularly the need for expansion of services to the most severely handicapped;
- (2) determination of the means and methods by which VR services, particularly to the most severely handicapped, will be provided, expanded, and improved, after full consideration and study of a broad variety of means and methods;
- (3) ensuring the orderly and effective development of VR services and rehabilitation facilities; and
- (4) review of the efficacy of the criteria employed by the State agency in making ineligibility decisions with respect to applicants for VR services. Reports of such studies will be available to the public for review.

(b) Coordinated or joint statewide studies

There is a separate VR agency for the blind in this State

☐ No.

☒ Yes. Coordinated or joint statewide studies will be conducted by the general and blind agencies.

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Citations

Rehabilitation Act as
amended or as stated45 CFR(c) Annual evaluation of program effectiveness

A comprehensive evaluation of the effectiveness of the State's VR program in achieving the service goals and priorities established in the plan will be conducted annually. It will measure the adequacy of State agency performance in providing VR services, especially to the most severely handicapped, in the light of State program or financial resources. It will be conducted according to the General Standards for Evaluation promulgated by the Secretary, 45 CFR Part 1370. Reports of such annual evaluations will be available to the public for review.

(d) Changes in policy resulting from statewide studies and annual program evaluation

There have been changes in policy made in the past fiscal year which have resulted from the continuing statewide studies of the needs of handicapped individuals and from the annual evaluation of the effectiveness of the State's vocational rehabilitation program in achieving program goals and priorities and will be conducted according to General Standards for Evaluation issued by the Secretary under Part 1362 and Part 1370 of 45 CFR Chapter XIII.

☐ No.☒ Yes. Attachment 8.1(d)A describes these changes.Effective Date October 1, 1978

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Secs. 2(1), 7(2), 7(9), 7(12), 101(a)(5)(A) 101(a)(13)(B), & 101(a)(15)	Secs. 1361.1(d), 1361.1(t), 1361.1(w), 1361.31 & 1361.2(b)(2) (iv) & (v)
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8.2 Order of selection and outcomes and service goals

(a) Applicability of an order of selection to this agency

This State agency can furnish and is furnishing VR services to all individuals who apply and have been determined to be eligible or to be in need of an extended evaluation of rehabilitation potential to determine eligibility.

☐ Yes. All such individuals are served with reasonable promptness. No eligible individual has been delayed from receiving services in the past year, because there is not now, nor has there been, during the past year, any shortage of funds, facilities, or other resources necessary for serving all eligible applicants.

☒ No. The following order of selection will be maintained:

- (1) the severely handicapped
- (2) other groups of handicapped individuals decided upon by the State. Attachment 8 2(a)A lists the groups of handicapped individuals in the State agency's order of selection which are additional to the Federally mandated priority for the severely handicapped.

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(b) Outcomes and service goals

Attachment 8.2(b)A, if required, describes the general outcomes and service goals to be achieved in each priority category within the order of selection in effect in this State agency and the time periods which will be required to achieve such goals.

(c) Special consideration for certain public safety officers

Special consideration will be given in the selection for, and to the provision of, vocational rehabilitation services to those handicapped individuals whose handicap arises from a disability sustained in line of duty while performing as public safety officer, in accordance with 45 CFR 1361.31(c).

8.3 Methods to expand and improve services to the most severely handicapped

Attachment 8.3A describes the methods used to expand and improve services to the most severely handicapped and also any changes in methods which have been scheduled for the coming fiscal year to strengthen the priority to the most severely handicapped.

Sec. 101(a)(5) and (15) Secs. 1361.2(b)(2)(iii) and 1361.18(a)

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8.4 Processing referrals and applications

Sec. 1361.30

The State agency has established methods which assure expeditious and equitable handling of referrals and applications for VR services.

8.5 Case recording and authorization of services

(a) Individual case record

Sec. 1361.38

The State agency will maintain for each applicant for VR services and for each individual being provided such services, in accordance with 45 CFR 1361.38, a case record which will contain pertinent information about the individual and the services provided. The case record will include, as a minimum and to the extent pertinent, the information and documentation required by 45 CFR 1361.38.

(b) Authorization of purchase of services

Sec. 1361.42

A written authorization of services will be made simultaneously with or prior to the purchase of services and such authorization will be retained. A State agency employee who is permitted to make an oral authorization in an emergency will promptly document any oral authorization in the client's case record and confirm it in writing to the provider of the services.

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8.6 Periodic reevaluation of extended employment in rehabilitation facilities

The State agency will periodically review and reevaluate at least annually the status of handicapped individuals who have been placed by the State agency in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market. Maximum effort will be made to place such individuals in competitive employment or training for such employment whenever feasible.

Sec. 101(a)(16)

Sec. 1361.53

8.7 Individuals determined to be rehabilitated

- (a) An individual determined to be rehabilitated will have been, as a minimum, (1) determined to be eligible under 45 CFR 1361.37(a); (2) provided an evaluation of rehabilitation potential and counseling and guidance, as essential VR services; (3) provided appropriate VR services in accordance with the individualized written program; and (4) determined to have achieved a suitable employment objective which has been maintained for at least 60 days.

Sec. 102

Sec. 1361.41

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- (b) Post-employment services will be provided to those individuals determined to be rehabilitated, who require such services, to the extent necessary to maintain suitable employment.

Section 9. General methods of administration

9.1 Methods necessary for proper and efficient administration

Sec. 101(a)(6)

Sec. 1361.10

The State agency employs such methods of administration as are found necessary by the Secretary for proper and efficient administration of the plan and for conduct of all functions for which the State is responsible under the State plan and under 45 CFR Part 1361.

9.2 Consultation with recipients and providers of VR services

Sec. 101(a)(18)

Sec. 1361.19

The State agency and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy development and implementation arising in the administration of the State plan, the views of individuals and groups of individuals who are recipients of VR services (or as appropriate, their parents, guardians, or other representatives)

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providers of VR services, and others active in the VR field. The State agency has established in writing and will maintain a description of the methods to be used to obtain and consider such consultation.

9.3 Standards for facilities and providers of services

The State agency has established in writing and will maintain minimum standards for the various types of facilities and providers of services which it uses in providing VR services. The State agency will make such standards accessible to State agency personnel and to the public.

Sec. 101(a)(7)(B)

Sec. 1361.43

9.4 Rates of payment

Policies governing rates of payment for all purchased VR services have been established in writing. The State agency will maintain in accessible form information as to current rates of payment. Vendors providing any services authorized by the State agency are required to agree not to charge to or accept from the handicapped individual or his family any payment for such services unless the amount of such service charge or payment is previously known to and, where applicable, approved by the State agency.

Sec. 1361.44

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Sec. 1361.47

9.5 Confidential information

The State agency will adopt and implement such regulations, standards, and procedures as are necessary to meet the requirements on safeguarding confidential information in 45 CFR 1361.47.

Sec. 1361.46

9.6 Administrative review of agency action and fair hearing

The State agency has established and will maintain policies and procedures in accordance with 45 CFR 1361.46 that assure to applicants and recipients dissatisfied with any action with regard to the furnishing or denial of VR services an administrative review of such action and, if they are dissatisfied with the finding of the administrative review, an opportunity for a fair hearing. Such policies and procedures also insure that each applicant and recipient is informed of such opportunities.

Sec. 101(a)(10)

Sec. 1361.21

9.7 Reports

The State agency will make such reports in such form, containing such information, and at such time, as the Commissioner requires and will comply with such provisions as he finds necessary to assure the correctness and verification of such reports.

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Sec. 101(a)(11)

Sec. 1361.20

9.8 Cooperation with other public agencies

Where appropriate, in accordance with 45 CFR 1361.20, the State agency will enter into cooperative arrangements with, and utilize the services and facilities of the State agencies administering the State's public assistance programs, other programs for disabled individuals (including the State's developmental disabilities program), veterans programs, health and mental health programs, education programs, workers' compensation programs, manpower programs, and public employment offices; the Social Security Administration, the Office of Workers' Compensation Programs of the Department of Labor, the Veterans Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals. The State agency will work toward maximum coordination and consultation with programs for and relating to the rehabilitation of disabled veterans. Where there is a separate State agency for the blind, the two State agencies will cooperate to provide more effective services to the handicapped; e.g., by means of joint planning, reciprocal referral, using each other's services and facilities.

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9.9 Cooperative programs utilizing third-party funds

Sec. 1361.13

When the State's share of the cost of a cooperative program for providing VR services or for engaging in administrative activities of the State VR agency is furnished in whole or in part by a State or local public agency other than the State VR agency, each such cooperative program will be based on a written agreement which meets the requirements of 45 CFR 1361.13(a). Services provided in such a cooperative program are VR services:

- (1) which are not services of the cooperating agency to which the handicapped individual would be entitled if he were not an applicant or client of the State VR agency and
- (2) which represent new services or new patterns of services of the cooperating agency.

The costs of administrative activities under such a cooperative program are not attributable to the general expense of State or local government.

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9.10 Joint project or program with shared funding and administration

In order to permit the carrying out of one or more joint projects or programs to provide services to handicapped individuals, the State agency has requested the Commissioner to authorize it to share funding and administrative responsibility with another agency or agencies of the State or with one or more local agencies.

☒ No.

☐ Yes. For each joint project or program, there is a written agreement which meets the requirements of 45 CFR 1361.11

Sec. 101(a)(1)(A) Secs. 1361.11 & 1361.81

9.11 Nondiscrimination

(a) On basis of race, color, or national origin

Assurance is hereby given that in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the Regulations issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80), no individual will, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this plan.

Title VI of the
Civil Rights Act

Part 80 and
Preamble to
Parts 1361 &
1362

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The State agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph. Attachment 9.11(a)A contains a description of these methods of administration. The State agency will amend its methods of administration from time to time as necessary to carry out the purpose for which this statement is given. Any amendments will be submitted to the Regional Office of the Department of Health, Education, and Welfare for determination as to adequacy.

The State agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement, and that the United States will have the right to seek administrative and judicial enforcement thereof.

(b) On basis of physical or mental handicap

No otherwise qualified handicapped individual will, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial participation under this State plan, and the requirements

Sec. 504,
P.L. 93-112

Preamble to
Parts 1361 &
1362

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concerning nondiscrimination specified in regulations implementing Section 504 of the Rehabilitation Act will be observed.

Section 10. VR Services for disability beneficiaries paid from Social Security Trust Funds

Vocational rehabilitation services are furnished to Social Security disability beneficiaries who meet the selection criteria set forth in 45 CFR 1361.114(a) and in accordance with the order of selection prescribed in 45 CFR 1361.114(b), without regard to any other order of selection which would otherwise be followed under the State plan pursuant to Section 101(a)(5)(A) of the Rehabilitation Act of 1973, and in conformity with all other requirements governing the State vocational rehabilitation program which are not inconsistent with 45 CFR 1361, Subpart D. In accordance with 45 CFR 1361.114, services are furnished to beneficiaries with reasonable promptness, without regard to the individual's citizenship, place of residence, or need for financial assistance; with appropriate staff, supervision and training of personnel to carry out the necessary functions in an effective manner; include the full range of services authorized in the Act, subject to the conditions, limitations and provisions with respect to the use and payments of trust funds prescribed in 45 CFR 1361.115 and 1361.116. The State will submit budget estimates in accordance with 45 CFR 1361.117 and reports in accordance with 45 CFR 1361.118.

Sec. 222(d) of the
Social Security
Act as amended

Part 1361
Subpart D

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Sec. 1615,
Social Security
Act, as amended

Part 1361,
Subpart E

Section 11. VR services for blind and disabled recipients paid from Supplemental Security Income program funds

Vocational rehabilitation services are furnished to Supplemental Security Income recipients who meet the selection criteria set forth in 45 CFR 1361.124(a) and in accordance with the order of selection prescribed in 45 CFR 1361.124(b), without regard to any other order of selection which would otherwise be followed under the State plan pursuant to Section 101(a)(5)(A) of the Rehabilitation Act of 1973. In accordance with 45 CFR 1361.124, services are furnished to recipients with reasonable promptness; with appropriate staff, supervision and training of personnel to carry out the necessary functions in an effective manner; without regard to any economic need test set forth in the State plan; and include the full range of services authorized in the Act, subject to the conditions, limitations and provisions with respect to the use and payments of supplemental security income program funds prescribed in 45 CFR 1361.125 and 1361.126; and in conformity with all requirements governing the State vocational rehabilitation program which are not inconsistent with 45 CFR Part 1361, Subpart E. The State agency submits budget estimates in accordance with 45 CFR 1361.127 and reports in accordance with 45 CFR 1361.128.

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LIST OF ATTACHMENTS TO PREPRINTED STATE VOCATIONAL REHABILITATION PLAN

(a) Submitted because required of all State agencies

- 2A List of Pertinent Laws and Interpretations
- 3.1A Attorney General's Certification
- 3.3(a)A Organization and Functions of the Sole State Agency and VR Organizational Unit
- 3.3(a)B Organization Charts
- 4.1A Responsibility for Appointment of Personnel Under a Federally Approved
- or Merit System
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(b) Submitted because of options chosen

- 1.3A Criteria of visual disability distinguishing responsibilities of the general and blind agencies
- 8.2(a)A Groups of handicapped individuals in State agency's order of selection
- 8.2(b)A Outcomes and service goals

Effective Date: October 1, 1978

State South Carolina
General or combined Agency Voc. Rehab. Dept.
Blind Agency _____
Citations
Rehabilitation Act as
amended or as stated 45 CFR


Effective date and State official's signature

The effective date of this plan is October 1, 1978.

I hereby certify that I am authorized to submit this plan on behalf of

DATE: June 30, 1978

S.C. Vocational Rehabilitation Department
(Designated single State agency)


(Signature)

Joe S. Dusenbury
(Typed name of signer)

Commissioner
(Title)

ATTACHMENT 1.3A: CRITERIA OF VISUAL DISABILITY DISTINGUISHING
RESPONSIBILITIES OF THE GENERAL AND BLIND AGENCIES

The S. C. State Agency of Vocational Rehabilitation does not administer the program of vocational rehabilitation of the blind. Vocational rehabilitation of the blind is administered by the separate South Carolina Commission for the Blind as established by state law.

The criteria of visual disability distinguishing the responsibilities of the general and blind agencies are as follows. Those defined as "blind" or with "severe visual disability" are served exclusively by the Commission for the Blind.

(1) "Blindness" is defined as that level of central visual acuity, 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees and which is sufficient to incapacitate him for self-support, or an 80% loss of visual efficiency resulting from visual impairment in more than one function of the eye, including visual acuity for distance and near, visual fields, ocular, mobility, and other ocular functions and disturbances. (2) "Severe Visual Disability" is defined as any progressive pathological condition of the eye or eyes supported by acceptable medical examination, which in the opinion of the examiner may or will result in legal blindness within 24 months.

STATE OF SOUTH CAROLINA

VOCATIONAL REHABILITATION LAW



DILL D. BECKMAN
Commissioner

400 Hampton Office Bldg.

August 1, 1971

CHAPTER 6.

VOCATIONAL REHABILITATION.

Sec.

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| 71-271. How chapter cited. | 71-279. Administration of chapter. |
| 71-272. Definitions. | 71-280. To whom services available; plan effective throughout State. |
| 71-273. Declaration of policy. | 71-281. Services to be available to disabled civil employees of United States. |
| 71-274. State Agency for Vocational Rehabilitation; appointment, qualifications and terms of members. | 71-282. Vocational rehabilitation fund. |
| 71-275. Chairman of Agency; meetings, compensation and mileage. | 71-283. Acceptance and use of gifts, etc., Federal grants and other funds. |
| 71-276. Duties and powers of Agency generally. | 71-284. Appropriations. |
| 71-277. Appointment and qualifications of Commissioner. | 71-285. Unlawful to use information derived from records. |
| 71-278. Duties and powers of Commissioner generally. | 71-286. Agency may provide assistance in moving personal effects. |

§ 71-271. How chapter cited.—This chapter shall be cited as "The Vocational Rehabilitation Act of South Carolina." (1957 (50) 114.)

§ 71-272. Definitions.—For the purposes of this chapter:

(1) The term "Agency" means the State Agency of Vocational Rehabilitation.

(2) The term "Commissioner" means the Commissioner of Vocational Rehabilitation appointed by the Agency.

(3) The term "vocational rehabilitation services" means diagnostic and related services (including transportation) incidental to the determination of eligibility for, and the nature and the scope of, services to be provided; training, guidance and placement services for physically handicapped individuals; and, in the case of any such individual found to require financial assistance with respect thereto, after full consideration of his eligibility for any similar benefit by way of pension, compensation, and insurance, any other goods and services necessary to render such individual fit to engage in a remunerative occupation (including remunerative homebound work), including the following physical restoration and other goods and services:

(a) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such a nature that such correction or modification

VOCATIONAL REHABILITATION LAW

may reasonably be expected to eliminate or substantially reduce such handicap within a reasonable length of time;

(b) Necessary hospitalization in connection with surgery or treatment specified in paragraph (a) of this subsection;

(c) Such prosthetic devices as are essential to obtaining or retaining employment;

(d) Maintenance shall be furnished only in order to enable an individual to derive the full benefit of other vocational rehabilitation services being provided;

(e) Tools, equipment, initial stocks and supplies (including equipment and initial stocks and supplies for vending stands), books and training materials, to any or all of which the State may retain legal title; and

(f) Transportation (except where necessary in connection with determination of eligibility or nature and scope of services) and occupational licenses.

Such term also includes:

(g) The acquisition of vending stands or other equipment and initial stocks and supplies for use by severely handicapped individuals in any type of small business, the operation of which will be improved through management and supervision by the State Agency; and

(h) The establishment of public and other nonprofit rehabilitation facilities to provide services for physically handicapped individuals and the establishment of public and other nonprofit workshops for the severely handicapped.

(4) The term "physically handicapped individual" means any individual, except an individual qualifying under vocational rehabilitation of the blind, who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation, and persons who are severely handicapped and who are of employable age with a physical or mental disability so handicapping as to require that they be institutionalized or have the services of an attendant in order to provide themselves with their daily living requirements.

(5) The term "remunerative occupation" includes employment as an employee or self-employed; practice of a profession; homemaking, farm or family work for which payment is in kind rather than in cash; sheltered employment, and home industry or other homebound work of a remunerative nature.

(6) The term "rehabilitation facility" means a facility operated for the primary purpose of assisting in the rehabilitation of physically handicapped individuals:

VOCATIONAL REHABILITATION LAW

(a) Which provides for one or more of the following types of services:

- (i) testing, fitting, or training in the use of prosthetic devices,
- (ii) prevocational or conditional therapy,
- (iii) Physical or occupational therapy,
- (iv) adjustment training or
- (v) evaluation or control of special disabilities; or

(b) Through which is provided an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision; *provided*, that the major portion of such evaluation and services is furnished within the facility and that all medical and related health services are prescribed by, or are under the formal supervision of, persons licensed to practice medicine or surgery in the State.

(7) The term "workshop" means a place where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals who cannot be readily absorbed in the competitive labor market.

(8) The term "nonprofit," when used with respect to a rehabilitation facility or a workshop, means a rehabilitation facility and a workshop, respectively, owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code of 1954.

(9) "Establishment of a workshop or rehabilitation facility" means:

(a) In the case of a workshop, the expansion, remodeling, or alteration of existing buildings necessary to adapt such buildings to workshop purposes or to increase the employment opportunities in workshops, and the acquisition of initial equipment necessary for new workshops or to increase the employment opportunities in workshops; and

(b) In the case of a rehabilitation facility, the expansion, remodeling, or alteration of existing buildings, and initial equipment of such buildings, necessary to adapt such buildings to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary of the Department of Health, Education, and Welfare may by regulations prescribe in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance to states in the construction of such facilities) and initial staffing thereof (for a period not exceeding one year).

(10) The term "eligible physically handicapped individual," when used with respect to diagnostic and related services, training, guidance and placement, means any physically handicapped person, except a person

VOCATIONAL REHABILITATION LAW

qualifying under vocational rehabilitation for the blind, whose vocational rehabilitation or self care rehabilitation is determined feasible by the Commissioner, and when used with respect to other vocational rehabilitation services means an individual meeting the above requirement who is also found by the Commissioner to require financial assistance with respect thereto, after full consideration of his eligibility for any similar benefit by the way of pension, compensation and insurance.

(11) The term "self care rehabilitation services" means such diagnostic, psychological, medical, surgical, physical restoration, guidance, training and related services including equipment and prosthetic appliances and training in their use needed to enable a severely handicapped person to dispense with or largely dispense with the need for institutional care or for the services of an attendant and to achieve, in so far as practicable, the ability for independent living. (1957 (50) 114; 1961 (52) 255.)

(12) The term 'eligible' or 'eligibility' when used in relation to an individual's qualification for vocational rehabilitation services means a certification that (1) a physical or mental disability is present; (2) a substantial handicap to employment exists; and (3) vocational rehabilitation services may reasonably be expected to render the individual fit to engage in a gainful occupation.

§ 71-273. Declaration of policy.—It is hereby declared to be the policy of this State to provide rehabilitation services to the extent needed and feasible, to eligible handicapped individuals throughout the State, to the end that they may engage in useful and remunerative occupations to the extent of their capabilities, thereby increasing their social and economic well-being and that of their families, and the productive capacity of this State and nation, also thereby reducing the burden of dependency on families and taxpayers. (1957 (50) 114.)

§ 71-274. State Agency for Vocational Rehabilitation; appointment, qualifications and terms of members.—The Governor shall appoint a State Agency of Vocational Rehabilitation to be composed of seven members, which Agency shall provide for the administration of this chapter. The members of the Agency shall consist of one member from each congressional district and one member at large. The Governor, upon the advice and consent of the Senate, shall appoint the members. The members first appointed having been designated by the Governor to serve for terms of one, two, three, four, five, six and seven years respectively, each member of the Agency thereafter shall be appointed for a term of seven years. The terms of office shall always remain staggered so that the term of one member shall expire every year with appointments to fill unexpired terms caused by death, resignation or disability. (1957 (50) 114.)

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§ 71-275. Chairman of Agency; meetings, compensation and mileage.—The Agency shall elect a chairman and shall meet quarterly in regular session and on call by the chairman when necessary for the transaction of Agency business. Agency members shall receive such per diem and mileage as is provided by law for members of boards, commissions and committees. (1957 (50) 114.)

§ 71-276. Duties and powers of Agency generally.—The Agency shall provide the vocational rehabilitation services authorized by this chapter to every physically handicapped individual determined by the Commissioner to be eligible therefor, as defined by § 71-272, subsection (10), and in carrying out the purposes of this chapter, the Agency is authorized, among other things:

(1) To cooperate with other departments, agencies and institutions, both public and private, in providing the services authorized by this chapter to disabled individuals, in studying the problems involved therein, and in establishing, developing and providing in conformity with the purposes of this chapter, such programs, facilities and services as may be necessary or desirable;

(2) To enter into reciprocal agreements with other states to provide for the services authorized by this chapter to residents of the states concerned;

(3) To conduct research and compile statistics relating to the provision of services to or the need of services by disabled individuals;

(4) To enter into contractual arrangements with the Federal Government and with other authorized public agencies or persons for performance of services related to vocational rehabilitation;

(5) To contract with schools, hospitals, and other agencies, and with doctors, optometrists, nurses, technicians and other persons, for training, physical restoration, transportation, and other vocational rehabilitation services;

(6) To take such action as may be necessary to enable the agency to apply for, accept and receive for the State and its residents the full benefits available under the Vocational Rehabilitation Act of Congress and any amendments thereto, and under any other federal legislation or program having as its purpose the providing of, improvement or extension of vocational rehabilitation services.

The Agency shall not assume responsibility for permanent custodial care of any individual and shall provide rehabilitation services only for a period long enough to accomplish the rehabilitation objective or to determine that rehabilitation is not feasible through the services which can be made available to the individual being served. (1957 (50) 114; 1961 (52) 255.)

§ 71-277. Appointment and qualifications of Commissioner.—The Agency shall appoint a Commissioner of Vocational Rehabilitation, in accordance

VOCATIONAL REHABILITATION LAW

with established personnel standards and on the basis of his education, training, experience and demonstrated ability. The Commissioner shall serve as secretary and executive officer of the Agency. (1957 (50) 114.)

§ 71-278. Duties and powers of Commissioner generally.—In carrying out his duties under this chapter, the Commissioner:

(1) Shall, with the approval of the Agency, make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination therefor, for vocational rehabilitation and other services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this chapter;

(2) Shall, with the approval of the Agency, establish appropriate subordinate administrative units;

(3) Shall, with the approval of the Agency, appoint such personnel as he deems necessary for the efficient performance of the functions of the Agency;

(4) Shall prepare and submit to the Agency annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out this chapter and estimates of the amounts to be made available for this purpose from all sources;

(5) Shall make certification for disbursement, in accordance with regulations, of funds available, for carrying out the purposes of this chapter;

(6) Shall, with the approval of the Agency, take such other action as he deems necessary or appropriate to carry out the purpose of this chapter;

(7) May, with the approval of the Agency, delegate to any officer or employee of this Agency such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this chapter. (1957 (50) 114.)

§ 71-279. Administration of chapter.—This chapter shall be administered under the general supervision and direction of the Agency by the Commissioner. (1957 (50) 114.)

§ 71-280. To whom services available; plan effective throughout State.—Pursuant to the policy declared in § 71-273, the vocational rehabilitation services shall be provided under this chapter to persons throughout the State, and the vocational rehabilitation plan adopted pursuant to this chapter shall be in effect in all political subdivisions of the State. (1957 (50) 114.)

§ 71-281. Services to be available to disabled civil employees of United States.—Rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the

VOCATIONAL REHABILITATION LAW

performance of his duty, on the same terms and conditions as apply to other persons. (1957 (50) 114.)

§ 71-282. Vocational rehabilitation fund.—There is created a special fund, to be known as the vocational rehabilitation fund. The fund shall consist of all moneys appropriated by this State and all moneys received from the United States or any other source for such purpose, as provided by this chapter. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other public funds in the State Treasury. All moneys in this fund are appropriated and made available to the Agency, and shall be expended solely for the purposes of this chapter. Any balances in the fund shall not lapse at any time but shall be continuously available to the Agency for expenditure consistent with this chapter. The Agency, acting through the Commissioner shall issue its requisition for payment of all costs of administering this chapter to the Comptroller General, who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the vocational rehabilitation fund. (1957 (50) 114.)

§ 71-283. Acceptance and use of gifts, etc., Federal grants and other funds.—(1) The Commissioner may, with the approval of the Agency, accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the Agency are proper and consistent with the provisions of this chapter may be so accepted and shall be held, invested, reinvested, and used in accordance with the condition of the gift.

(2) The acceptance of Federal funds and other funds, and their use for vocational rehabilitation, subject to such restrictions as may be imposed by the donor and not inconsistent with this chapter, is hereby authorized.

(3) Federal grants and donations for vocational rehabilitation services, unless otherwise restricted, shall be available for all vocational rehabilitation services provided under the State plan, and also for the purpose, whenever Federal funds are made available to the State under § 3 of the Federal Vocational Rehabilitation Amendments of 1954, for the extension and improvement of vocational rehabilitation services, or under § 4 of such act for projects for research, demonstrations, training and traineeships, and for the planning for and initiating expansion of vocational rehabilitation services under the State plan. (1957 (50) 114.)

§ 71-284. Appropriations.—The General Assembly shall appropriate for vocational rehabilitation such sums as are necessary, along with available Federal and other funds, to carry out the purposes of this chapter. (1957 (50) 114.)

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§ 71-285. Unlawful to use information derived from records.—It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records. (1957 (50) 114.)

§ 71-286. Agency may provide assistance to employees in moving personal effects.—The State Agency of Vocational Rehabilitation is hereby authorized to provide reasonable aid or assistance to its regular employees in moving their personal effects from one town or place to another town or place where their headquarters are so moved in the course of the business of the Department. (1967 (55) 608.)

PART II

Permanent Provisions

SECTION 1

It is hereby declared to be the intent of the General Assembly that the following sections shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements to the Code.

SECTION 3

Operation of Alcoholic Center Transferred to State Agency of Vocational Rehabilitation

(1) The State Agency of Vocational Rehabilitation, acting with the counsel and advice of the South Carolina Commission on Alcoholism for the S. C. Alcoholic Center (the Center) shall have charge and exercise general supervision over the operation and maintenance of the Center, and shall determine policies governing admission to the Center subject to requirements and restrictions imposed by law; *provided, however*, that (a) admission to the Center shall be voluntary only, (b) admission to the Center shall be limited to residents of South Carolina, (c) patients who are able to pay for their medical care and hospitalization shall be required to do so, and (d) inmates of penal institutions and patients in hospitals, clinics, or institutions for the care and treatment of the mentally ill, mentally defective, epileptic, senile, and drug addicted, other than alcoholic,

VOCATIONAL REHABILITATION LAW

maintained or operated directly by, or under the control or supervision of, the South Carolina Mental Health Commission, shall not be admitted to the Center, except that the State Agency of Vocational Rehabilitation may collaborate with the South Carolina Probation, Pardon, and Parole Board and may admit probationers and parolees to the Center under such conditions of probation and parole as may be imposed by law and fixed by rules and regulations.

(2) The State Agency of Vocational Rehabilitation may accept and contract to receive grants of any kind from the Federal Government and gifts and grants of any kind from any other source, including grants or transfers of any property now or hereafter owned or controlled by the State, for the operation and maintenance of the Center.

(3) The Commissioner of the State Agency of Vocational Rehabilitation shall have the authority and discretion to appoint and remove all employees of the Center.

(4) The Commissioner of the State Agency of Vocational Rehabilitation shall fix the compensation of all officers and employees of the Center, subject to the approval of the State Budget and Control Board.

(5) The State Agency of Vocational Rehabilitation shall submit annually to the State Budget and Control Board its requests for appropriations for the operation, maintenance, expansion, or extension, of the Center for the following fiscal year.

Provided, that on the effective date of this Act all funds and property, real and personal, held by the South Carolina Commission on Alcoholism for the operation and maintenance of the Center shall be transferred to the State Agency of Vocational Rehabilitation. All funds now or hereafter appropriated for the operation and maintenance of the Center shall be expended under the direction of the Commissioner of the State Agency of Vocational Rehabilitation.

Provided, Further, that in addition to the rights, powers, duties, hereinbefore expressly granted, to the State Agency of Vocational Rehabilitation, the Agency is authorized and empowered to maintain and operate the Center with sufficient and competent administrative personnel to adequately staff and efficiently operate the Center headquarters at the location thereof, and to provide an inpatient hospital and clinical center to be centrally located so as to be conveniently accessible to patients from all parts of the State and suitably equipped and staffed with professional and trained personnel to carry on diagnostic, therapeutical, and experimental programs in applying medical, psychiatric, religious, and all other phases of treatment of alcoholism, and to extend rehabilitation services in the State.

Provided, Further, that the South Carolina Commission on Alcoholism shall study the problem of alcoholism in the State and consult with and

Attachment 2A: Legal Basis

VOCATIONAL REHABILITATION LAW

advise the State Agency of Vocational Rehabilitation regarding the treatment and rehabilitation of alcoholics in the State and the operation of the Center. In addition, the South Carolina Commission on Alcoholism shall retain the powers and duties previously vested in it, except to the extent that those powers and duties are conferred upon the State Agency of Vocational Rehabilitation by this Act.



Office of the Attorney General

RAYMOND G. HALFORD
DEPUTY ATTORNEY GENERAL

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COLUMBIA, S. C. 29211
TELEPHONE 803-758-3970

DANIEL R. MCLEOD
ATTORNEY GENERAL

June 8, 1978

Mr. Joe S. Dusenbury
Commissioner
South Carolina Vocational
Rehabilitation Department
301 Landmark Center
3600 Forest Drive
Post Office Box 4945
Columbia, South Carolina 29204

Re: Legal Authority of South Carolina
Vocational Rehabilitation Department.

Dear Mr. Dusenbury:

This is to certify that the South Carolina Vocational Rehabilitation Department was created and established by Act No. 108 of the 1957 Acts [1957 (50) 114], commonly referred to as "The Vocational Rehabilitation Act of South Carolina." Act No. 108 is codified in Chapter 31, Title 43, Section 43-31-10; et seq., Code of Laws of South Carolina (1976), as amended. These provisions are the legal authority for the South Carolina Vocational Rehabilitation Department being denominated the State agency to receive and administer Federal funds for the purpose of vocational rehabilitation services in South Carolina, with the exception of the program of vocational rehabilitation of the blind which is administered by the South Carolina Commission for the Blind [Chapter 25, Title 43, Section 43-25-10, et seq., Code of Laws of South Carolina (1976), as amended.].

Very truly yours,

A handwritten signature in dark ink, appearing to read "Raymond G. Halford".

Raymond G. Halford
Deputy Attorney General

RGH/bjm

Organization of the State Agency:

(a) The South Carolina Vocational Rehabilitation Department is primarily responsible for the vocational rehabilitation program of the South Carolina Agency of Vocational Rehabilitation.

The State Agency of Vocational Rehabilitation was established by legislative act and its Board is recommended and appointed by the Governor with the consent of the Senate. The legislature places the Agency's relationship on the level with other major programs such as Public Education, Public Health, and Public Welfare.

The Agency consists of seven Board members duly organized to carry out the function of the law. The Board selects the Commissioner of the Vocational Rehabilitation Department, who also becomes the Executive Officer of the State Agency.

Functions and responsibilities of key staff members are included to more accurately reflect the functions of the agency.

(1) The Commissioner is responsible to the South Carolina State Agency of Vocational Rehabilitation for carrying out and enforcing the rules and regulations of the Agency with reference to the total vocational rehabilitation program. In carrying out these duties, he directs and coordinates the program and assumes the responsibility for the provision of adequate services and for uniformity in the application of all policies, rules and regulations.

(2) The Assistant Commissioner for Field and Case Services is primarily concerned with client program areas of the Department. He assists the Commissioner in planning policy and procedures for Board approval. He assists the Commissioner in the program affairs of the Vocational Rehabilitation Agency. He assists the Commissioner in planning, developing, coordinating and supervising the service delivery programs of the Department. He also assists in supervising the program provisions of the approved State Plan under the general supervision of the Commissioner.

(3) The Assistant Commissioner for Administration and Special Services is primarily concerned with the financial affairs of the Department. He assists the Commissioner in planning and developing policies and procedures for Board approval. Assists the Commissioner in the administrative affairs of the Vocational Rehabilitation Agency. Assists in the establishment and implementation of personnel, accounting and other business policies.

(4) The Supervisor of the Division of Workshops and Facilities is responsible to the Assistant Commissioner for Field and Case Services for the planning, developing, evaluating, and supervising of the workshop facilities and evaluation facilities throughout the State. This position involves responsibility for supervisory services in the area of workshops and facilities, in promoting new workshops and facilities, in evaluating established facilities, and in recommending types of services to be carried on in the workshops and facilities in the various communities throughout the State. He coordinates division services with other divisions of the Department.

(5) The Supervisor of Rehabilitation Services is responsible to the Assistant Commissioner for Field and Case Services for stimulating and promoting sound practice in providing rehabilitation services and in the delivery of case services, case planning and procedures, counseling and guidance, placement, follow-up, etc. He coordinates his work with other divisions of the Department.

(6) The Supervisor of the Division of the Vocational Rehabilitation-Public School and Youth Programs is responsible to the Assistant Commissioner for Field and Case Services for effecting an agreement with schools to provide rehabilitation services to the eligible handicapped youth. He promotes, organizes, and establishes facilities within the school which provide rehabilitation services over and above that being carried on by the school. The team approach will be used in bringing about comprehensive evaluations, personal adjustment training, prevocational and vocational training. A major portion of this may be effected within the schools, while other phases may be carried out within the community. He cooperates with the other divisions of the Vocational Rehabilitation Department in promoting total rehabilitation to these handicapped individuals.

(7) The Director of the Disability Determination Division is responsible to the Commissioner for the supervision of the operation of the Disability Determination Office. This office prepares disability determinations on applicants who have applied to their local Social Security Office for disability insurance benefits under the Social Security Administration Act. The Director is responsible also for referring potential cases to vocational rehabilitation in accordance with existing policies; for maintaining relationship with the medical profession of South Carolina to assure that satisfactory consultative examinations are obtained; and for maintaining a working relationship with Social Security District Offices and other divisions of the Rehabilitation Department.

(8) The Comptroller is responsible to the Assistant Commissioner, Administration and Special Services in assisting in planning, organizing, and directing the fiscal and accounting functions. He maintains accounts and related data and supervises activities of a varied staff of clerical and accounting personnel. He certifies vouchers for payment of proper claims.

(9) The Director of Administration assists the Assistant Commissioner for Administration and Special Services by performing internal audits of accounting records to insure validity, authenticity and legality of expenditures. He coordinates property management, inventory control and supply services.

(10) The Supervisor of the Research and Planning Division reports to the Assistant Commissioner for Field and Case Services and coordinates evaluation of special projects and service delivery programs and promotes research and the gathering and compiling of statistics. This position is on a statewide operational level and may be engaged in a total research effort or on various local levels in studying the processes and the work of the Rehabilitation Department in relationship to the needs of the State. He develops reports of research results and statistical information to be used for rehabilitation planning and promotion. He will coordinate his work with other divisions of the Department.

(11) The Departmental Training Coordinator plans and develops with other personnel an in-service staff development program. He develops techniques and methods for evaluating training needs of the staff and develops training plans in coordination with universities and colleges and special group training for strengthening the staff members of the rehabilitation program.

(12) The Program Specialist for the Deaf and Hearing Impaired supervises the Deaf and Hearing Impaired Program. He reports to the Assistant Commissioner for Field and Case Services. He supervises activities of specialty counselors for the deaf as well as coordinates programs within workshops and facilities programs.

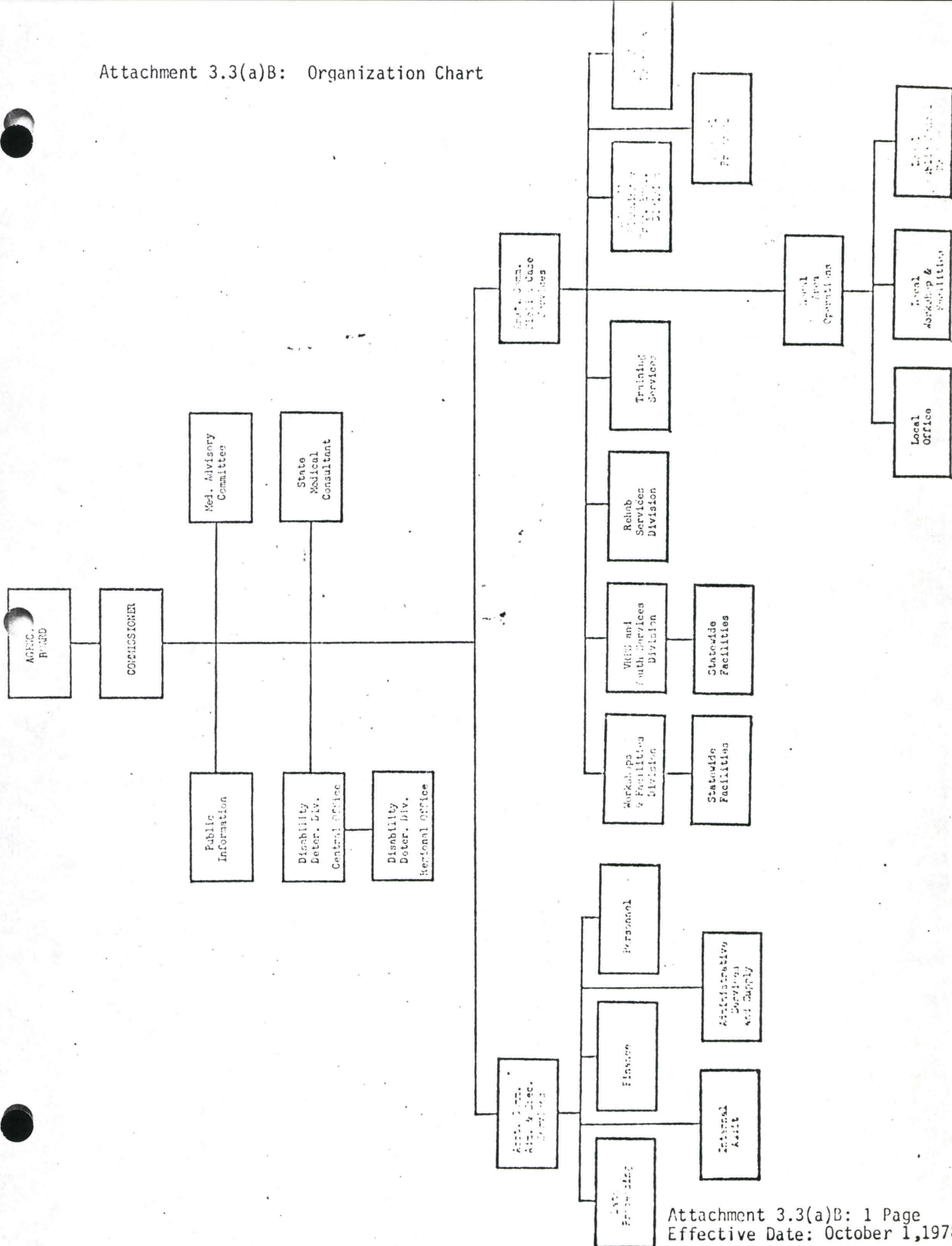
(13) The Project Administrator, Alcoholism provides technical assistance to both Palmetto Center and Holmesview, treatment centers for alcoholics sponsored by Vocational Rehabilitation. He reports to the Assistant Commissioner for Field and Case Services. He provides supportive assistance to field counselors serving alcohol cases to members of an interagency governmental committee, designated by the Alcohol and Drug Commission to review grant applications and the awarding of formula funds.

The fore mentioned positions and all other classified positions in the Vocational Rehabilitation Program are a permanent part of the South Carolina Personnel Classification System.

The State Medical Consultant is responsible for giving technical advice and consultation to the State Commissioner and staff members designated by the Commissioner with respect to the medical aspects of the vocational rehabilitation program. His duties and responsibilities will be to furnish consultation to the State Staff on individual cases and specific medical problems; advise with regard to the execution of the policies for physical restoration; assist the Department in its contracts with the medical and associated professions; assist in training the rehabilitation casework staff with regard to physical rehabilitation methods; assist in the maintenance of standards established by the Department for the selection of physicians, hospitals, and other types of facilities; and to assist in the maintenance of standards established for rates of pay to physicians, hospitals, and other medical personnel and facilities.

The Area Medical Consultant is responsible for giving technical advice and consultation to the area supervisor and counselors regarding medical aspects of the rehabilitation program within the area; for interpreting to the medical profession the policies, procedures and standards established at the State level; and for assisting in the training of rehabilitation personnel in the technical phases of physical rehabilitation. His primary function is to give advisory services to the area staff on individual cases referred to him. The Area Medical Consultant attends staff meetings occasionally in order to participate in the planning and appraisal of the medical aspects of the rehabilitation program.

Attachment 3.3(a)B: Organization Chart



ATTACHMENT 4.1B TYPE OF PERSONNEL SYSTEM

Introduction: While not on an approved "merit system" the South Carolina Vocational Rehabilitation Department is a part of the South Carolina State Classification and Compensation System which includes all assurances required by 45 CFR 401.15(a). The system includes the following provisions:

(1) Recruitment: Active recruiting, based on established manpower needs, is conducted. Recruiting is directed to all appropriate applicant sources through various media in order to attract an adequate number of candidates for consideration. All such publicity indicates that the Department is an equal opportunity employer.

(2) Classification & Compensation: The Department adheres to the established South Carolina State Classification and Compensation Plan. This plan is established and maintained on a current basis and is available for public inspection.

(3) Selection: Applicants are selected through a multi-part assessment of attributes necessary for successful job performance. The assessment is based on performance tests, validated written tests, interviews, training and experience, and background and reference inquiries.

(4) Appointment: Applicants who meet the minimum qualifications of the job class as established by the State Classification System may be appointed should an appropriate vacancy exist. Appointments are made by the Commissioner and each appointee is employed within the salary range established by the state personnel system for the particular job class. Permanent appointment is based upon satisfactory performance during a one year probationary period.

(5) Career Advancement:

(a) Performance Appraisal: The Department utilizes a formal performance appraisal system, whereby an employee is evaluated systematically. This is done in order to assess training needs, and to provide a basis for decisions on placements, transfers, salary advancements, promotions, terminations and other personnel actions.

(b) Promotion: Positions are filled by promotion from within when it is in the best interest of the Department. Consideration is given to permanent employees and is based upon the meeting of minimum qualifications for the vacant job, demonstrated capacity, and the quality and length of service.

(6) Equal Employment Opportunity: In accordance with State and Federal laws and sound personnel practices this Department provides for equal practices in employment, terminations, up-grading, training, demotions and treatment of individuals. Employees and applicants are considered for opportunities on the basis of job related

individual differences and not on the basis of factors such as sex, race, age, physical or mental disability, creed, color, national origin, or political affiliation. This Department has developed and is implementing an approved affirmative action plan for equal employment. The plan provides for specific action steps and timetables to assure equal opportunity. Discrimination based on age or sex or physical disability will be prohibited except where specific age, sex or physical requirements constitute a bonafide occupational qualification. In cases of alleged discrimination the Department's grievance and appeal procedure may be utilized.

(7) Consistency with State Licensure Laws and Regulation: The Department's personnel policies and procedures are consistent with State licensure and other pertinent laws and regulations as they are applicable to the employees of the Department.

(8) Maintenance of Written Personnel Policies and Records: Written personnel policies and procedures are maintained and distributed to employees through the supervisory staff. Records of personnel activities are maintained and periodic reports are issued in order to evaluate personnel operations in relation to the Department's standards.

(9) Staffing: The Department insures that a sufficient number of staff are available to carry out the functions as outlined in the Rehabilitation Act and the staff has the appropriate qualifications to perform the established job duties. Such staff includes specialists in program planning and evaluation, staff development and training, medical consultation, rehabilitation facility development and utilization, expansion and improved services to the severely handicapped, and affirmative action for equal employment opportunity for the handicapped.

(10) Staff Development: The agency provides a program of staff development for all classes of positions within the agency. Staff development programs are based on (a) a systematic approach to the determination of training needs, and a system for evaluating the effectiveness of the training activities; (b) an orientation program for new staff; and (c) a plan for continuing training opportunities and career development for all classes of positions held under expert leadership at suitable intervals. The staff development program does not include leaves of absence for institutional or other organized training for full-time study. The State agency has established, in writing, the policies governing the granting of minimum release time, payment of tuition, and other regulations as related to in-service training.

(11) Political Activity: Employees engaged in the administration of the Vocational Rehabilitation program shall not participate in any political activity prohibited by the Hatch Act, but employees shall always have the right to express their views as a citizen and to cast their votes.

ATTACHMENT 4.2A: BASIC AFFIRMATIVE ACTION PLAN FOR
EQUAL EMPLOYMENT OPPORTUNITY

AFFIRMATIVE ACTION PLAN

FOR

MINORITIES, WOMEN, AND OLDER PERSONS

SOUTH CAROLINA VOCATIONAL REHABILITATION DEPARTMENT

J. S. DUSENBURY, COMMISSIONER

The first portion of this plan, Attachment 4.2A, consists of (1) the basic affirmative action plan which sets forth the agency's policies and objectives, administrative and supervisory responsibility, goal identification process, staff development process, and steps being taken to recruit and select qualified minorities, women, older persons, and handicapped individuals, (2) personnel instructions published in the Department's Administrative Manual, (3) the employee grievance and appeals procedures established to assure affirmative action, (4) grievance forms, and (5) work force availability data.

AFFIRMATIVE ACTION PLAN

1. Introduction - It is the policy of the S. C. Vocational Rehabilitation Department to implement fully an Equal Opportunity Program. This program provides for equal practices in employment, terminations, upgrading, training, assignment of work, rates of pay, use of facilities, transfers, promotions, demotions, and treatment of individuals.

A review of our equal opportunity employment record reveals that much progress has been made in recent years; however, improvements are still needed if we are to assure that genuine equal opportunity is extended to all people.

2. Equal Employment Opportunity Policy - It is the policy of this agency to recruit, hire, and promote employees without discrimination because of race, religion, color, political affiliation, physical disability, national origin, sex or age; except where sex or age is a bonafide occupational qualification. Furthermore, it is our policy to take affirmative action to remove any disparate effects of discrimination because of race, religion, color, national origin, sex or age; except where sex or age is a bonafide occupational qualification. This policy applies to all levels and phases of personnel administration such as recruitment or recruitment advertising, testing, hiring, promotion, transfer, leave policy and rates of pay. This Department submits this plan to assure its commitment to a program that provides an equal employment opportunity for all persons on the basis of job related individual differences. This is done not solely because of legal requirements, but because it is a basic element of human dignity.
3. Communicating Objectives - Allen T. Gantt, Jr. has been appointed the Equal Employment Opportunity Coordinator. This person is responsible for the overall administration of this plan. This person has the authority through the Commissioner to implement every facet of this plan, and this person has direct contact with all others who play a role in accomplishing the agency's goal.

All employees of this Department have been provided with the Affirmative Action Policy and in addition, the policy is placed on the bulletin board in all S. C. Vocational Rehabilitation Offices. All supervisors of this Department are advised of the Affirmative Action Policy in writing and in meetings, and are reminded of the existence of this policy at least four times each year; and a record of such reminders are maintained.

Each supervisor has been assigned specific responsibilities related to an affirmative action program in his specific work area. Supervisory responsibilities extend to explaining and discussing the affirmative action program with subordinates. Through our performance evaluation process, the supervisors and subordinates are evaluated in this particular area.

All officials and employees of this Department, as well as employment agencies, and advertising agencies with whom this agency deals, will be informed of this practice statement.

4. Identification of Problem Areas - Statistical data is collected, maintained and analyzed on a quarterly basis on employment of minority groups, women, handicapped and older persons in all organizational and geographic areas. An internal departmental review and evaluation is conducted in January and July of each year. This internal review and evaluation is aimed at all EEO affirmative action program activities. The periodic internal reports on EEO program problems and progress are submitted to the Commissioner and the problems are corrected through affirmative action. Employees are encouraged to raise questions concerning the EEO policy in regular weekly staff meetings and through our management training programs the program is communicated and problem-solving methods are discussed. Supervisory personnel and subordinates are informed that they should consult with the EEO officer if a problem develops.
5. Establishing Goals - Every effort will be made to adhere to the established goals and timetables, however, it is difficult to establish logical goals and timetables when the funding situation with this Department is unpredictable from year to year. The affirmative action goal is to recruit, train and promote females, blacks, handicapped and older persons into the total job range utilized by this Department. The ultimate purpose is that the staff of this Department will fairly represent the female, black, handicapped and older persons in our recruiting area.
6. Training and Upward Mobility - This department is in the process of developing a more comprehensive data bank on our employees in order to determine if there are any training gaps. The data bank is referred to when vacancies exist so that all employees are considered who meet the qualification required to perform the vacant job. When special training money is made available specialized training sessions will be conducted in conjunction with our management training program regarding the status of the employment of minorities, women, handicapped and older persons. Evidence of these training sessions will be maintained.
7. Recruitment and Selection - This department is increasing its efforts to attract, recruit, and hire qualified handicapped, minorities, women and older persons as employees. The supervisors and subordinates of this department are maintaining contacts with special interest groups of all protected classes, thereby developing a mutual understanding of the Vocational Rehabilitation Department and its goals for an affirmative action program of equal opportunity.

The best source of recruiting has been the institutions of higher learning, governmental agencies, and groups that represent protected employees. These valuable sources have been strengthened and expanded.

The Employment Application utilized by this department has been revised to eliminate any possibility of inadvertent discrimination.

A system is being developed to provide for a formal upgrading program which includes the following items:

- A. Job listing of vacancies.
- B. Equal opportunity to all employees to apply for upgrading.
- C. Fair selection standards.
- D. Follow-up to insure adequate performances.

Applicants are accepted for positions on the basis of job-related individual differences and not on the basis of factors such as race, age, religion, national origin, sex or handicapping conditions.

Each applicant applying in the personnel office is informed fully of the employment process (selection and placement). After the vocational rehabilitation program is fully explained, applicants are interviewed to determine their areas of interests. Once areas of interests are determined, the applicant is informed and referred to vacancies which would relate to their areas of interest. If a position is not available, information on the applicant is placed on an applicant registry for future consideration. The system has been reviewed to remove any possible inadvertent discrimination.

8. Grievances - (see appendix I)

This set of grievance procedures applies to any form of discrimination. An employee may utilize the formal grievance and appeal procedure to request a hearing by the agency and/or the State Employee Grievance and Appeal Committee.

9. Availability Data - Appendix II is availability data to serve as a guide for the recruitment of blacks and woman in South Carolina.

PURPOSE:

In accordance with the South Carolina Human Affairs Law, the Rehabilitation Act Amendments of 1974, the Equal Employment Opportunity Act of 1972 and sound personnel practices the South Carolina Vocational Rehabilitation Department provides for equal practices in employment, terminations, up-grading, training, demotions and treatment of individuals.

GENERAL POLICY:

The Equal Opportunity Program of this Department applies to both employees and applicants. Both are to be considered for opportunities with this Department on the basis of job-related individual differences and not solely on the basis of factors such as sex, race, color, creed, age, national origin, or physical disability. This Department adheres to this policy not solely because of legal requirements, but because it is a basic element of human dignity.

COMMUNICATING OBJECTIVES:

The Personnel Director is the Equal Opportunity Officer and through the Commissioner periodically reaffirms the Equal Opportunity Program. Each supervisor is responsible for taking positive affirmative actions within his specific work area. Supervisor responsibilities extend to explaining and discussing the affirmative action program with subordinates.

CLASSIFICATION AND COMPENSATION:

This Department continuously reviews the classification and compensation levels of its employees to assure equal pay for equal work regardless of sex, age, race, physical disability.

EMPLOYMENT PROCESS (RECRUITMENT, SELECTION AND PLACEMENT):

Supervisors should make every effort to attract, recruit and employ qualified employees from all minority groups. Applicants are accepted for positions on the basis of job-related individual differences and not on the basis of factors such as race, religion, national origin, sex, or physical disability.

OTHER PERSONNEL ACTIONS (PROMOTIONS, DEMOTIONS, TERMINATIONS, TRAINING, PERFORMANCE APPRAISALS):

Supervisors should keep the State Office Staff informed as to names of employees who can be considered for promotional and training opportunities. It is the responsibility of supervisors to counsel with employees on a periodic basis, thereby providing an opportunity to discuss grievances, training needs and career opportunities. Exit interviews should be conducted by supervisory staff to find reasons and solutions to any turnover problems.

WORK ENVIRONMENT:

Special efforts should be made by supervisory staff to assure that the work environment and atmosphere does not include discriminatory elements. An important element in eliminating discrimination in the work environment is the orientation of new employees.

COMPLAINT PROCEDURES:

Any employee who feels that they have been discriminated against should consult with their supervisor and refer to the Grievance Procedure Policy.

PURPOSE:

The purpose of this Policy is to provide a means whereby an employee who has six months of satisfactory employment with the Vocational Rehabilitation Department and feels that he has been subjected to unfair, discriminatory or abusive treatment may secure a hearing without delay and be assured of a prompt, orderly and fair response to the grievance or appeal

POLICY:

The South Carolina Vocational Rehabilitation Department recognizes the right of employees to present and seek answers to grievance without fear of restraint, interference, coercion, discrimination or reprisal.

Employees who submit a formal grievance to the Agency Grievance Committee level may elect to be accompanied by another state employee, a friend, and attorney, etc. However, only the employee may present the pertinent evidence at the Committee hearing.

Members of the Grievance and Appeal Committee, presently employed personnel involved in a grievance hearing, and witnesses may attend Committee hearings, without charge to leave or loss of pay. Employees may obtain from their supervisors a reasonable amount of time off without charge to leave or loss of pay for the purpose of securing advice on rights and privileges provided by this Policy and for obtaining information and assistance pertaining to their grievance which can only be obtained during normal working hours.

The Personnel Office will explain the procedures in detail to any employee and give assistance if needed. The predominant role of the Personnel Office in settling grievances is that of an advisor functioning objectively in a staff capacity. The Personnel Office is available to counsel with the employee and the supervisor in any phase of the formal grievance procedure.

Upon completion of the Employee Grievance and Appeal Committee hearing and the final decision, a copy of the Committee transcripts and other related correspondence will be forwarded to the Personnel Office for filing in the employee's Personnel folder. All transcripts, records and findings of the Committee are property of the South Carolina Vocational Rehabilitation Department and are confidential. The records will not be made available for review to anyone except Departmental employees designated by the Commissioner of the South Carolina Vocational Rehabilitation Department.

APPROVED

STATE PERSONNEL DIVISION

J. A. Mullins 8-30-76

PROCEDURE:

The formal grievance and appeal procedure will not be utilized until the employee has discussed his grievance with his immediate supervisor on an informal basis. The immediate supervisor should make every effort to resolve the problem on an informal basis. The employee's immediate supervisor should consult with his immediate supervisor concerning the problem or grievance. If the problem cannot be resolved on an informal basis, the employee may then utilize the formal grievance and appeal procedure. The following procedure shall regulate the submission, presentation and processing of all employee grievances.

Step One

If an employee has a problem or a grievance which cannot be resolved through the normal process of informal discussion, he may complete SCVR Form 64, Employee's Request for a Formal Grievance Hearing (See Exhibit 1). Copies of this form should be sent to the immediate supervisor and to the Personnel Office, and must be postmarked or received within 7 calendar days of the time that the facts on which the grievance is based became available to the grievant (employee). After an employee requests a formal hearing, the immediate supervisor will schedule a hearing within five (5) calendar days after the formal request is filed and will hear the grievance and review the facts in an impartial manner. The immediate supervisor may call higher level supervisors into the discussion if the employee agrees, or the immediate supervisor may consult with higher level supervisors outside the formal hearing to secure advice before making a decision.

The employee shall receive an answer within ten (10) calendar days after the start of the first step of the hearing, or the employee will be notified and advised as to when an answer may be expected. The immediate supervisor will complete SCVR Form 65, Summary of Supervisory Grievance Hearing (See Exhibit 2), and send copies to the employee requesting the hearing and to the Personnel Office.

When the employee is notified of the decision of the immediate supervisor, the employee will be advised that he has the right to appeal the immediate supervisor's decision if a mutually agreeable decision has not been made.

Step Two

If the employee feels that the decision reached in the first step is not satisfactory or if the employee fails to receive an answer within the designated period of time provided in the first step, the matter may be referred by the employee to the Employee Grievance and Appeal Committee. The Commissioner of the Vocational Rehabilitation Department shall appoint an ad hoc Employee Grievance and Appeal Committee which shall be composed of three (3) employees of the Department. Any request for review at this stage must be submitted in writing to the Commissioner of the Vocational Rehabilitation Department within five (5) calendar days after receipt of the first step decision. The employee should state clearly the nature of his grievance and why the decision in the first step is unfair.

APPROVED

SIGNED: _____

J. A. Mullis 8-30-76

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The Employee Grievance and Appeal Committee will schedule a hearing within ten (10) calendar days after receiving the request for a hearing. The Committee shall conduct whatever hearings, interrogation, investigations and fact-finding activities necessary to determine the facts.

At the conclusion of the hearings by the Employee Grievance and Appeal Committee, it will be the responsibility of the Committee to inform the Commissioner of the Department within ten (10) calendar days after the Committee hearing of the details of the problem, the reasons why it was not resolved at lower levels, and recommendations of the Committee. The Commissioner of the Department will make a decision within five (5) calendar days after receiving the decision and recommendations of the Committee, and his decision shall be final with copies furnished to the employee and all concerned parties.

TIME LIMITS

Should the employee fail to meet any time limit, his grievance shall be considered to have been withdrawn, and the grievance shall not be processed further. However, time limits on both the agency and the aggrieved may be extended under extenuating circumstances with the agreement of both parties.

The Vocational Rehabilitation Department's grievance and appeal procedure shall not exceed the total of forty-five (45) calendar days time limit from beginning to end. Should the time period for the final decision exceed the forty-five (45) calendar days limit, an employee has the right to appeal directly to the State Employee Grievance Committee.

STATE EMPLOYEES GRIEVANCE COMMITTEE

Any employee who has six (6) months satisfactory service with the State may appeal a decision of the Department to the State Employees Grievance Committee. Such appeal must be in writing and submitted to State Personnel Division within ten (10) calendar days following the decision of the Department.

EMPLOYEE'S REQUEST FOR A FORMAL GRIEVANCE HEARING

Name _____ Position Title _____
Location _____ Supervisor _____
Date _____

NATURE OF GRIEVANCE AND THE REASON A FORMAL HEARING IS BEING REQUESTED:
(To be completed by employee)

Signature of Employee

Copies to: Immediate Supervisor
Personnel Office

Attachment 4.2A
Effective Date:

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October 1, 1978

SUMMARY OF SUPERVISORY GRIEVANCE HEARING

Employee Requesting Grievance Hearing _____

Place of Supervisory Hearing _____

Date of Hearing _____

1. Individuals in attendance at hearing:

(a) _____ (c) _____

(b) _____ (d) _____

2. Nature of Grievance:

3. Summary of Facts:

4. Supervisor's Decision(s):

5. Has employee been advised of right to appeal to VR Grievance Committee?

_____ Yes _____ No

Signature of Supervisor_____
Date

6. The Supervisor's decision has been discussed with and accepted by me.

Signature of Employee_____
DateCopies to: Employee Requesting Hearing
Personnel OfficeAttachment 4.2A
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APPENDIX 11

AVAILABILITY OF WORK FORCE

1. The state from which this agency draws most of its manpower has a labor force of approximately 991,844 persons. Of this number, approximately:

441,058	are White Males
288,708	are White Females
143,117	are Black Males
117,447	are Black Females
853	are Other Males
661	are Other Females

2. There are approximately 115,119 college graduates in this area. Of this number, approximately:

56,838	are White Males
45,374	are White Females
4,280	are Black Males
8,627	are Black Females
	are Other Males
	are Other Females

3. There are approximately 37,288 unemployed persons in this area. Of this number, approximately:

8,446	are White Males
11,842	are White Females
6,543	are Black Males
10,457	are Black Females
	are Other Males
	are Other Females

4. The source of the above data is:

1970 Census

ATTACHMENT 4.3A: BASIC AFFIRMATIVE ACTION PLAN FOR EMPLOYMENT AND
ADVANCEMENT OPPORTUNITY FOR HANDICAPPED INDIVIDUALS

AFFIRMATIVE ACTION PLAN
FOR
HANDICAPPED INDIVIDUALS
SOUTH CAROLINA VACATIONAL REHABILITATION DEPARTMENT
J. S. DUSENBURY, COMMISSIONER

The first portion of this plan, Attachment 4.3A, consists of (1) the basic affirmative action plan which sets forth the agency's policies and objectives, administrative and supervisory responsibility, goal identification process, staff development process, and steps being taken to recruit and select qualified handicapped individuals, (2) the employee grievance and appeals procedures established to assure affirmative action, (3) grievance forms, and (4) the estimated working age population in South Carolina with a work disability.

Affirmative Action Plan for the Handicapped

1. INTRODUCTION

It is the policy of the South Carolina Vocational Rehabilitation Department to implement fully an Equal Opportunity Program for the physically and mentally handicapped. This program provides for equal practices in employment, termination, upgrading, training, assignment of work, rates of pay, use of facilities, transfers, promotions, demotions, and treatment of the individuals.

2. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

It is the policy of this agency to recruit, hire, and promote employees without discrimination because of race, religion, color, physical disability, national origin, sex or age. This policy applies to all levels and phases of personnel administration such as recruitment, recruitment advertising, testing, hiring, promotion, transfer, leave policy, and rates of pay. This department publicizes this plan to assure its commitment to a program that provides an equal employment opportunity for all persons on the basis of jobs related individual differences. There is conspicuous posting of the agency's affirmative action policy in each office.

3. COMMUNICATING OBJECTIVES

The Personnel Director is the Equal Opportunity Officer. This person has been appointed by the Commissioner and is responsible for the overall administration of this plan. This person has the authority through the Commissioner to implement every facet of this plan, and this person has direct contact with all others who play a role in accomplishing the agency's goal.

Each supervisor has been assigned specific responsibilities related to an affirmative action program in his specific work area. Supervisory responsibilities extend to explaining and discussing the affirmative action program with subordinates. Supervisors will submit periodically to the Personnel Director an analysis of the recruiting, hiring, and training of the handicapped.

4. IDENTIFICATION OF PROBLEM AREAS

Statistical data is collected, maintained, and analyzed periodically on employment of the handicapped in all organizational and geographic areas.

5. ESTABLISHING GOALS

The Affirmative Action Goal is to recruit, train, and promote handicapped individuals into the total job range utilized by this Department. Goals have been established by taking the percentage of the disabled population in South Carolina and applying this to our agency work force and, on a quarterly

basis, these goals are discussed with agency supervisory personnel. Based on availability data, this department has reached its affirmative action goal in regards to employment of the handicapped. It is the policy of this agency to maintain this standard.

6. TRAINING AND UPWARD MOBILITY

This Department has developed a comprehensive data bank on our employees in order to determine if there are any training gaps. The data bank is referred to when vacancies exist so that all handicapped employees who meet the qualification required to perform the vacant jobs are considered. When special training-money is made available specialized training sessions will be conducted in conjunction with our management training program regarding the status of the employment of the handicapped. Evidence of these training sessions will be maintained.

7. RECRUITMENT AND SELECTION

This Department is increasing its efforts to attract, recruit, and employ handicapped individuals. The supervisors and subordinates of the agency are maintaining contacts with handicapped persons; thereby, this being the best source of recruiting. At the time a position does become vacant, supervisors will look at the more severally disabled for consideration in filling the vacancy. There is an annual review of all positions within the Department in regards to identification of positions to be filled by the handicapped.

The Employment Application utilized by this Department has been revised to eliminate any possibility of inadvertent discrimination.

This department is acutely aware of the environmental and attitudinal barriers existing to the employment of the handicapped. Every effort is being made to provide the handicapped equal rights in all respects of the employment situation.

8. FACILITIES

The policy set forth in this Affirmative Action Plan will be made available to all rehabilitation facilities throughout the State because these facilities are owned and operated by the South Carolina Vocational Rehabilitation Department

9. BARRIERS

Since the handicapped citizens of the state are the source of Vocational Rehabilitation services, this agency is acutely aware of the environmental barriers faced by the handicapped. Each of our facilities is accessible to and usable by the physically handicapped person.

10. GRIEVANCE

This set of grievance procedures applies to any form of discrimination. An employee may utilize the formal grievance and appeal procedure to request a hearing by the Employee Grievance and Appeal Committee or the State Employees Grievance Committee.

PURPOSE:

The purpose of this Policy is to provide a means whereby an employee who has six months of satisfactory employment with the Vocational Rehabilitation Department and feels that he has been subjected to unfair, discriminatory or abusive treatment may secure a hearing without delay and be assured of a prompt, orderly and fair response to the grievance or appeal

POLICY:

The South Carolina Vocational Rehabilitation Department recognizes the right of employees to present and seek answers to grievance without fear of restraint, interference, coercion, discrimination or reprisal.

Employees who submit a formal grievance to the Agency Grievance Committee level may elect to be accompanied by another state employee, a friend, and attorney, etc. However, only the employee may present the pertinent evidence at the Committee hearing.

Members of the Grievance and Appeal Committee, presently employed personnel involved in a grievance hearing, and witnesses may attend Committee hearings, without charge to leave or loss of pay. Employees may obtain from their supervisors a reasonable amount of time off without charge to leave or loss of pay for the purpose of securing advice on rights and privileges provided by this Policy and for obtaining information and assistance pertaining to their grievance which can only be obtained during normal working hours.

The Personnel Office will explain the procedures in detail to any employee and give assistance if needed. The predominant role of the Personnel Office in settling grievances is that of an advisor functioning objectively in a staff capacity. The Personnel Office is available to counsel with the employee and the supervisor in any phase of the formal grievance procedure.

Upon completion of the Employee Grievance and Appeal Committee hearing and the final decision, a copy of the Committee transcripts and other related correspondence will be forwarded to the Personnel Office for filing in the employee's Personnel folder. All transcripts, records and findings of the Committee are property of the South Carolina Vocational Rehabilitation Department and are confidential. The records will not be made available for review to anyone except Departmental employees designated by the Commissioner of the South Carolina Vocational Rehabilitation Department.

Attachment 4.3A
Effective Date:

Page 4 of 9 Pages
October 1, 1978

APPROVED
STATE PERSONNEL DIVISION

J. A. Mullins 8-30-76

PROCEDURE:

The formal grievance and appeal procedure will not be utilized until the employee has discussed his grievance with his immediate supervisor on an informal basis. The immediate supervisor should make every effort to resolve the problem on an informal basis. The employee's immediate supervisor should consult with his immediate supervisor concerning the problem or grievance. If the problem cannot be resolved on an informal basis, the employee may then utilize the formal grievance and appeal procedure. The following procedure shall regulate the submission, presentation and processing of all employee grievances.

Step One

If an employee has a problem or a grievance which cannot be resolved through the normal process of informal discussion, he may complete SCVR Form 64, Employee's Request for a Formal Grievance Hearing (See Exhibit 1). Copies of this form should be sent to the immediate supervisor and to the Personnel Office, and must be postmarked or received within 7 calendar days of the time that the facts on which the grievance is based became available to the grievant (employee). After an employee requests a formal hearing, the immediate supervisor will schedule a hearing within five (5) calendar days after the formal request is filed and will hear the grievance and review the facts in an impartial manner. The immediate supervisor may call higher level supervisors into the discussion if the employee agrees, or the immediate supervisor may consult with higher level supervisors outside the formal hearing to secure advice before making a decision.

The employee shall receive an answer within ten (10) calendar days after the start of the first step of the hearing, or the employee will be notified and advised as to when an answer may be expected. The immediate supervisor will complete SCVR Form 65, Summary of Supervisory Grievance Hearing (See Exhibit 2), and send copies to the employee requesting the hearing and to the Personnel Office.

When the employee is notified of the decision of the immediate supervisor, the employee will be advised that he has the right to appeal the immediate supervisor's decision if a mutually agreeable decision has not been made.

Step Two

If the employee feels that the decision reached in the first step is not satisfactory or if the employee fails to receive an answer within the designated period of time provided in the first step, the matter may be referred by the employee to the Employee Grievance and Appeal Committee. The Commissioner of the Vocational Rehabilitation Department shall appoint an ad hoc Employee Grievance and Appeal Committee which shall be composed of three (3) employees of the Department. Any request for review at this stage must be submitted in writing to the Commissioner of the Vocational Rehabilitation Department within five (5) calendar days after receipt of the first step decision. The employee should state clearly the nature of his grievance and why the decision in the first step is unfair.

APPROVED

SUPERVISOR

J. A. Muller 8-30-78

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The Employee Grievance and Appeal Committee will schedule a hearing within ten (10) calendar days after receiving the request for a hearing. The Committee shall conduct whatever hearings, interrogation, investigations and fact-finding activities necessary to determine the facts.

At the conclusion of the hearings by the Employee Grievance and Appeal Committee, it will be the responsibility of the Committee to inform the Commissioner of the Department within ten (10) calendar days after the Committee hearing of the details of the problem, the reasons why it was not resolved at lower levels, and recommendations of the Committee. The Commissioner of the Department will make a decision within five (5) calendar days after receiving the decision and recommendations of the Committee, and his decision shall be final with copies furnished to the employee and all concerned parties.

TIME LIMITS

Should the employee fail to meet any time limit, his grievance shall be considered to have been withdrawn, and the grievance shall not be processed further. However, time limits on both the agency and the aggrieved may be extended under extenuating circumstances with the agreement of both parties.

The Vocational Rehabilitation Department's grievance and appeal procedure shall not exceed the total of forty-five (45) calendar days time limit from beginning to end. Should the time period for the final decision exceed the forty-five (45) calendar days limit, an employee has the right to appeal directly to the State Employee Grievance Committee.

STATE EMPLOYEES GRIEVANCE COMMITTEE

Any employee who has six (6) months satisfactory service with the State may appeal a decision of the Department to the State Employees Grievance Committee. Such appeal must be in writing and submitted to State Personnel Division within ten (10) calendar days following the decision of the Department.

EMPLOYEE'S REQUEST FOR A FORMAL GRIEVANCE HEARING

Name _____ Position Title _____

Location _____ Supervisor _____

Date _____

NATURE OF GRIEVANCE AND THE REASON A FORMAL HEARING IS BEING REQUESTED:
(To be completed by employee)

Signature of Employee

Copies to: Immediate Supervisor
Personnel Office

Attachment 4.3A
Effective Date:

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October 1, 1978

SUMMARY OF SUPERVISORY GRIEVANCE HEARING

Employee Requesting Grievance Hearing _____

Place of Supervisory Hearing _____

Date of Hearing _____

1. Individuals in attendance at hearing:

(a) _____ (c) _____

(b) _____ (d) _____

2. Nature of Grievance:

3. Summary of Facts:

4. Supervisor's Decision(s):

5. Has employee been advised of right to appeal to VR Grievance Committee?

_____ Yes _____ No

Signature of Supervisor_____
Date

6. The Supervisor's decision has been discussed with and accepted by me.

Signature of Employee_____
DateAttachment 4.3A
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Personnel Office

Availability Data

Based on 1970 census conducted by U. S. Department of Commerce

Population with work disability age 16-64

male	80,502
female	<u>79,343</u>
total	159,845

Total South Carolina population 2,590,509

Percent of population with work disability - 6.17%

Section 8.2(a)A: ORDER OF SELECTION

Introduction:

In accordance with Section 1316.31 of the regulations, the South Carolina Vocational Rehabilitation Department is required to set forth its order of selection of services since the agency is not able to affirm its ability to provide the full range of services needed by all eligible handicapped individuals within the state (It should be pointed out, however, that there is a significant difference between being able to serve all handicapped individuals and being able to serve all individuals who apply.). Despite funding limitations, the Department expects to continue to accept applications from all individuals who apply for service. The Department also expects to continue to be able to provide substantial services with reasonable promptness to those determined to be eligible. No major restriction in service is expected during the year, although the Department must continue to carefully monitor its outreach efforts, adjust service patterns, and conserve funds wherever possible.

Particular note should be made of the fact that the order of selection for service has been influenced by the nature of the funding under which this Department operates. Specifically, the Department expects to continue serving a fairly substantial number of eligible individuals who will not likely meet the criteria of severely disabled. However, partially because it serves such individuals, the Department continues to obtain significant levels of funding from other than RSA sources. This results in the percentage of severely handicapped individuals not being as high as the percentage being reported in other states. However, by actual count, the numbers of severely disabled served by the Department is significant.

If at any time the percentage of clients served who are severely disabled becomes so important that individuals rehabilitated with funds other than RSA funds need no longer be counted, then the percentage of severely disabled served by this Agency can be almost doubled by a change in reporting systems. In other words, if only rehabilitation funds were considered, the proportion of severely disabled served by this Agency would be considerably higher than is now reported by including funds from non-rehabilitation sources. The Department is willing to make changes in its reporting procedures at any time Federal officials feel it would be more desirable. Thereby those additional rehabilitations obtained through the initiative of the State Agency from other sources could be reported for State purposes only. This Agency stands ready to make whatever accommodations that are needed for RSA purposes.

Implementing the Order of Selection:

The system of priorities described herein has been established within the Department to assure that the most severely disabled individuals will be served first, if during the year it is determined that case service resources are not sufficient to serve all applicants. However, it should be admitted that, despite current funding shortages, the Department expects to continue to take applications from all individuals who apply for service during the coming year and to provide substantial services to eligible clients with reasonable promptness. By restricting outreach efforts to non-severely disabled, adjusting service patterns, and conserving funds, it is expected that no major reduction in services will be necessary.

Should any service curtailment during the fiscal year become necessary due to an unexpected increase in applicants, expenditures, or reduction in available funds, a contingency plan involving the service priorities has been established. The system would result in a temporary suspension of case services to specified categories of individuals should such a reduction be necessary.

At the beginning of the fiscal year, the agency's expected resources are tentatively allocated in keeping with expected expenditures and client service requirements. Monthly management reports and projections enable the administration to monitor the actual flow of resources and the volume of new applicants to determine in advance any necessity to curtail services during the year. Regular reports will be obtained regarding the number of applicants being received monthly and projected expenditures for persons in each of the least severely disabled categories for whom services might have to be suspended if a severe shortage of funds develops during the year.

Although the general order of selection has been established, the exact categories affected and the duration of service curtailment would have to be determined by the administration at the time specific cost and service projections were made known. After examining all alternatives, the administration will implement the plan of service reduction, including appropriate staff training and public awareness activities.

The principle will be followed that no qualified handicapped individual will be excluded from participation in the program solely by reason of his handicap, in keeping with Section 504, P.L. 93-112 (CFR Section 1362.25).

If funds are not available to serve all eligible individuals, however, services for specific types of individuals will be temporarily suspended and applicants will be placed on a waiting list to be served when funds become available.

Diagnostic and Evaluation Services to Continue

The agency will continue to receive applications from all persons who seek service. A preliminary diagnostic study will be provided for all applicants to determine their eligibility, their level of severity, and the probably extent of program services required. Referral services will also be provided as appropriate.

Order of Priority:

The order of selection described herein will be followed, with the categories to be served listed in descending order of priority. Persons included in the first categories will be most assured of continuation of services in times of austerity. Services for persons in the disability categories listed last will be provided when funds become available.

1. Clients Already in Active Status.

Justification: Services already initiated shall not be disrupted for individuals accepted for services and who have in process an Individualized Written Rehabilitation Program. Prior commitments of the Agency should be honored so long as funds are available, thus constituting the

top priority for service. The general principle has been established that individual services will not be suspended or delayed for some active clients while other clients receive them, no matter what their degree of disability may be, as that would be perceived as discriminatory.

2. Severely Disabled Applicants.

Justification: Applicants determined as severely disabled constitute the highest priority for services after those persons already being served. This is in keeping with CFR 1361.31(b). It should be noted that the definition of severely disabled applicants will be that as issued by RSA and already distributed to Vocational Rehabilitation personnel throughout the State.

3. Public Safety Officials and Firemen Disabled in the Line of Duty.

Justification: This is a requirement of Federal regulations as reported in CFR 1361.31(c).

4. U. S. Government and Civil Service Employees Disabled in the Line of Duty.

Justification: This is required by Federal regulations as reported in CFR 1361.32.

5. Disabled Applicants in Jointly Funded Programs.

Justification: As discussed in the introductory remarks section, applicants being served in jointly funded programs are often at no cost to the rehabilitation program or may be served at a reduced cost because of the joint funding associated with various programs. Only those non-severely disabled clients who are referred from cooperatively operated programs with joint funding or which receive funding from outside sources will receive this priority level of service.

6. Non-Severely Disabled Applicants, Other Than Those in Jointly Funded Programs.

Justification: In keeping with various mandates to serve severely disabled applicants and other priority groups as described above, the remaining non-severely disabled applicants shall constitute a lower order of priority for services. Even within the broad category of "non-severe" it is recognized that certain groups generally require less attention and less complex services than others, thus can be served with few resources. All others remaining in this non-severe category shall be served, with the following disability groups listed in descending order of priority, i.e., group Number 10 shall constitute the lowest order of priority within the Agency.

When the following disabilities are not in combination with another disability or they do not meet the functional limitation guidelines for a severe disability, are determined to be non-severe, and are not subject to any joint funding, they will be served only as funds are available.

GROUP 1 - Mental Retardation

530 Mental Retardation, mild

GROUP 2 - Other Conditions for Which Etiology is not Known or not Appropriate

609 Benign and unspecified neoplasms

GROUP 3 - Disabling Disease and Condition, n.e.c.

690 Disease and condition of skin and cellular tissue

699 Other disabling diseases and conditions, n.e.c.

GROUP 4 - Other Visual Impairments due to:

140 Cataract

142 General infectious, degenerative, and other unspecified diseases, including ocular and local infections

149 Ill-defined and unspecified causes

GROUP 5 - Cardiac and Circulatory Conditions

645 Other hypertensive disease

646 Varicose veins and hemorrhoids

649 Other conditions of circulatory system

GROUP 6 - Allergic, Endocrine System, Metabolic and Nutritional Diseases

610 Hay fever and asthma

611 Other allergies

614 Diabetes mellitus

615 Other endocrine disorders

GROUP 7 - Other Ill-defined Impairments (including trunk, back and spine) due to:

381 Congenital malformation and ill-defined birth injury

383 Other diseases, infectious and non-infectious (excluding 646), other neurological and mental diseases

390 Arthritis and rheumatism

399 All other accidents, injuries and poisonings

GROUP 8 - Other Mental Disorders

522 Other character, personality and behavior disorders

523 Drug abuse

GROUP 9 - Conditions of Genito-urinary System

670 Other conditions of genito-urinary system

GROUP 10 - Disorders of Digestive System

- 660 Condition of teeth and supporting structure
- 661 Ulcer of stomach and duodenum
- 663 Hernia
- 669 Colostomies (other than malignant neoplasms) other conditions
of digestive system

Attachment 8.2(b)A: OUTCOMES AND SERVICE GOALS

The impact of our placing priority on the severely disabled and intensifying services to groups of clients listed in Attachment 8.2(a)A of the State Plan will be reflected in the numbers served and rehabilitated during FY 1979. In addition to regular monitoring of our progress toward disability group goals listed below, data will be obtained regarding the number of total and severely disabled clients served and rehabilitated in each of the priority groups enumerated in 8.2(a)A for FY 1979 and for each subsequent year.

DISABILITY	DISABILITY GROUP GOALS			
	TO BE SERVED		TO BE REHABILITATED	
	1978	1979	1978	1979
1. Blind	-0-	-0-	-0-	-0-
2. Visually Impaired	2,560	2,551	960	949
3. Deaf	570	571	78	79
4. Hard of Hearing	1,500	1,503	480	481
5. Amputations and Orthopedics	8,328	8,390	1,485	1,500
6. Paraplegia, Quadraplegia, Other Spinal Cord Conditions	330 *	333*	50*	56*
7. Mentally Ill	6,000	5,991	1,092	1,084
8. Other Personality Disorders	8,120	8,021	1,560	1,480
9. Alcoholism	2,360	2,361	528	529
10. Drug Addiction	128	127	24	26
11. Mental Retardation	10,100	9,999	1,080	1,550
12. Epilepsy	960	975	108	130
13. Heart Disease	2,250	2,290	336	359
14. Speech Impairments	285	283	48	46
15. Digestive System Disorders	3,264	3,098	1,080	1,000
16. All Other Disabilities	17,575	17,840	2,541	2,787
17. Total	64,000	64,000	12,000	12,000

* Included in Line 5 above but not duplicated in the total, Line 17.

Attachment 8.2(b)A: Page 1 of 2 Pages
Effective Date: October 1, 1978

Service Goal Adjustments for FY 1979

During the coming year, the total number of individuals to be served and rehabilitated by the Vocational Rehabilitation Department is expected to remain the same as the current year. The cost of both case services and agency provided services is increasing more rapidly than the Department's state and federal operating funds. In addition, the emphasis on serving the severely disabled and administrative changes designed to improve the quality of case management has made it impossible to increase the total number of clients being served at any one time.

Although it should be expected that fewer funds would generally result in fewer rehabilitation, program refinements and increased efficiency initiated during the past year are expected to assure that the number served and rehabilitated in FY 1979 will remain constant.

The greatest increases in clients served and rehabilitated are expected to be in several specific disabilities tending to be classified as severely disabled which are included in the general category listed as "All other disabilities."

As the referral network to the special epilepsy program at the Medical University in Charleston is functioning well, an increase in epileptics served and rehabilitated is expected.

Slight increases are expected in the number of individuals with heart disease served and rehabilitated in view of the specialized program and facility South Carolina has for that disability group.

The greatest reductions in the number of individuals served will be those with digestive system disorders, mild mental retardation, mental illness, and other personality disorders. Most of these disability categories do not include clients generally considered severely disabled nor is it expected that the majority will have multiple handicapping conditions.

A reduction in the upper level of I.Q. score considered mildly mentally retarded is one primary factor in the expected reduction in mentally retarded clients to be served and rehabilitated next year.

Part of the reduction of clients with "other personality disorders" to be served in the program during FY 1979 will be because of the reduced number of family court clients served in several of the current and former LEAA funded programs.

Attachment 8.3A: Methods of Expanding and Improving
Services to the Severely Handicapped

South Carolina has devised a broad range of activities designed to expand and improve services to the state's severely handicapped population during FY 1979.

Activities planned for FY 1979 include: (1) taking initial steps to implement the recently developed five-year plan, (2) continuing the case review and monitoring system established during the past two years, (3) reallocation and reassignment of personnel in cooperative programs to better serve severely disabled individuals, (4) utilization of consultation and advisory resources, (5) involvement of handicapped individuals in suggesting ways of improving programs, (6) expansion of the Comprehensive Center program, (7) utilization of facilities, (8) efforts to eliminate barriers, (9) implementing recent revisions of the Case Service Manual and Workshops and Facilities Manual, (10) expanding program evaluation and planning activities, and (11) utilizing the inservice training program to help personnel modify their patterns of serving the severely disabled.

1. Five-Year Plan Established

During the past year, each agency in South Carolina was required to develop a five-year plan setting forth the agency's long range goals and proposed programs necessary to correct current deficiencies.

In keeping with the national mandate to serve more severely disabled individuals, a five-year goal has been established to have 50% of all rehabilitants classified as severely disabled. At the present time, approximately 4,000 or 31% of the state's 12,000 yearly rehabilitants are severely disabled. To reach the 50% goal by 1984, the Department has established a goal of rehabilitating an additional 4,000 severely disabled individuals yearly in addition to the present 12,000 clients rehabilitated. The total goal for 1984 will be to serve 85,000 and rehabilitate 16,000 individuals, 50% being severely disabled.

To reach this goal, the first need will be to develop a series of specialized service programs and projects designed to reach out to involve a larger number of severely disabled individuals in at least ten disability groups and to explore methods of improving patterns of service for such individuals.

A second set of needs will be met by strategies to expand and improve the quality of services normally rendered at various stages in the rehabilitation process. Additional funds for case services will be required.

Additional personnel will be needed in all team positions to serve the additional number of persons and reduce caseloads so that more time is available for each client.

To buttress all of these specialized service programs will require a steady program of growth in statelevel supervision, monitoring and staff development to improve services, increase facility utilization, assure compliance with changing regulations, and assure that VR programs blend with those of other agencies.

2. Program Evaluation and Planning

During the past year, a second series of indepth program evaluation reviews were conducted on a sample of cases from each caseload in the state, utilizing statelevel and area supervisory personnel. The findings and specific instructions for improving services have been shared with local supervisors, quality control specialists, and all professional personnel. A monitoring system has been developed to assess improvement in case documentation, selection of eligible applicants, and provision of substantial services.

The initial review done during fiscal year 1976-77 revealed a number of cases in active statuses that were borderline eligible and substantial services were not documented. To address this problem, counselors were provided individual and group training situations where feedback of audit information was provided. Close monitoring and supervision followed.

After completing the second audit review it was found that the problem of barely eligible clients has been by and large eradicated.

Quality Control Specialists have been brought together on a quarterly basis during which time emphasis has been placed on accepting more severely handicapped clients and providing more extensive services for them.

The Department is now planning another series of program evaluation activities for FY 1979 to assure improvement of services to all clients, particularly severely handicapped individuals.

A program specialist has been added to the Central Office staff to head up a continuing audit review process as well as to provide individual training to counselors in an effort to increase case finding and facilitate services for the severely handicapped.

A systematic process has been developed to conduct program reviews in the community based rehabilitation centers. The program reviews conducted to date have been effective in identifying the function and needs of each of the centers. The format is used as a guide to assess each program component - production, assessment, and adjustment, as well as administration, physical operations, client population, public relations, counselor-facility relationship and work activity center and food service programs where applicable. The reviews will be used as a means of assuring that an adequate and effective service delivery system is being provided in each of the thirteen community based rehabilitation centers to the severely disabled.

Other annual reviews study the reasons why clients drop out of the program and determine ways of reducing this loss. Client followup studies will evaluate the long-term effectiveness of the program and client satisfaction with services.

3. Order of Selection Established

A system of priorities has been established within the Department to assure that the most severely disabled will receive priority services during times of reduced resources. During FY 1979, it is expected that the number of individuals served will increase in those disability categories tending to be more severely disabled, while the number of individuals served with lesser degrees of severity will tend to decrease.

A monitoring system has been devised whereby regular reports are generated to indicate the percent of clients who are severely disabled and the actual number of individuals in various priority categories who have been served and rehabilitated.

4. Cooperative Arrangements and Agreements

To date, more than 70 formal interagency agreements have been reached in an effort to provide an effective statewide service delivery system. These have produced specialized service programs in 24 school systems, major speech and hearing centers, juvenile courts, the Medical University, selected hospitals, 17 workshops and evaluation facilities, and in all of the state's institutions for retarded, mentally ill, respiratory diseases, corrections, youth services, alcoholism and drug abuse. By blending resources in these interlocking interagency programs, South Carolina has developed an unparalleled network of statewide and local community services for all types of handicapped individuals including the most severely disabled.

Interagency cooperative agreements and programs are being reevaluated and updated to assure that the severely disabled are being served in a courteous, efficient and expeditious manner. Particular emphasis will be placed on strengthening the personal and vocational adjustment program.

A number of VR personnel in institutional and public school programs are being reassigned to assure more substantial community services for severely handicapped persons coming from these programs and from community referrals.

5. Policy Consultation with Consumers and Advisory Groups

In keeping with Federal Regulations as published in the Federal Register, November 25, 1975, Section 1361.19, the Department has developed a variety of means by which the views of individuals and groups are taken into account.

Continued communication with a variety of committees, councils, boards, and consumer associations concerned with patterns of services to handicapped individuals has enabled the Department to maintain a steady flow of suggestions regarding program or policy changes needed to better meet the needs of the handicapped. A significant number of these individuals are handicapped or represent groups of handicapped persons. In addition, the agency makes yearly followup contacts with several hundred former clients.

Individuals and groups providing input regarding services to the handicapped include (1) recipients of vocational rehabilitation services, or their parents, guardians, or other representatives, (2) providers of vocational rehabilitation services; and (3) others active in the field of vocational rehabilitation. They include a Medical Advisory Committee, Commission on Alcoholism, Developmental Disabilities Council, Advisory Council on Deafness, the S. C. Rehabilitation Association Board, a network of 13 workshop facility Advisory Boards, and many other interagency councils and committees.

A statelevel program specialist has been assigned major responsibility for serving as liaison with the Governor's Committee and local Mayor's Committees on Employment of the Handicapped. In that capacity, he has been obtaining feedback from consumers and other citizens regarding the Vocational Rehabilitation Department's policies and programs.

During FY 1979, additional plans will be devised whereby handicapped individuals met through the White House Conference and Mayor's Committees will be utilized as a continuing means of obtaining input regarding the needs and ways of serving handicapped individuals.

6. Utilization of Facilities, Evaluation and Adjustment Services

Realizing the special needs of the severely disabled related to assessment and adjustment, the South Carolina Vocational Rehabilitation Department has undertaken a comprehensive plan to construct a network of specifically designed community based Vocational Rehabilitation Centers. Program components include assessment, personal, social and work adjustment training, production, work activity, food service and other necessary activities. The Centers have been constructed in such a manner that the special needs of the severely disabled may be met, i.e., complete removal of architectural barriers, appropriate work space, rest areas, and adequate space to house special program components for the severely disabled.

To improve the service delivery system in each of the thirteen Centers, adjustment services are being developed to assure that individual client needs are being met in the areas of personal living skills, vocational, health and nutrition, education, and activities of daily living. A structured adjustment program utilizing techniques such as individual and group counseling, behavior modification, classes, field trips, outside resources, and production activities is being developed and implemented in each rehabilitation center.

South Carolina has utilized special grant funding to expand and improve needed vocational rehabilitation services to severely disabled individuals. Facility improvement grants have been effectively utilized to improve client services in the network of community based vocational rehabilitation centers operated by the Department. Facility improvement grants implemented include a comprehensive adjustment services delivery program for severely handicapped operated in conjunction with the Comprehensive Rehabilitation Center in West Columbia and an expanded service delivery system for severely disabled services in community based Vocational Rehabilitation Workshops.

Facility improvement grants awaiting approval include development of a comprehensive vocational rehabilitation service system for severely disabled multi-handicapped persons to be operated in cooperation with the Multi-Handicapped Center, Cedar Spring, and development of a network of satellite work adjustment programs operated cooperatively with local public schools.

Work activity programs for severely mentally retarded persons are operated within nine community based vocational rehabilitation centers. The primary purpose of the work activity programs, operated cooperatively with the S. C. Department of Mental Retardation, is to provide comprehensive vocational rehabilitation services to the severely disabled who are of employable age and are functioning on such an intellectual and achievement level they cannot be served effectively in the traditional rehabilitation program.

There has been a concerted effort to work closer with the rehabilitation hospitals, Charlotte Rehabilitation Hospital in particular, to increase services for cord injury cases and to facilitate the movement of these clients from that institution to the Agency's Comprehensive Center for vocational evaluation, adjustment, physical therapy, training and other rehabilitation services.

Groundwork has been laid with the State Cancer Society, one County Cancer Society, and several doctors whose practice is primarily in the oncology area in an effort to increase services to cancer victims, many of whom are considered severely handicapped.

The development of working reciprocal agreements with the three Multiple Sclerosis Societies is well under way. This should increase the numbers of referrals of applicants with this disability which in nearly all cases will be considered severely handicapping.

A statewide program for the deaf and hearing impaired, now completing its fifth year, will again be emphasized during the coming year. The twenty-five-member staff of this program has extensive training in various aspects of deafness and provide a unique set of services not elsewhere available.

The agency will also continue its intervention project for employed Alcoholics which has just completed its second year of operation. The Drug Addiction Project, a vocational evaluation program located within the South Carolina Addiction Center, has completed another successful year and will continue to maintain its service.

A comprehensive rehabilitation service program located in the Medical University Hospital will continue to provide a wide range of rehabilitation services to epileptics and individuals with seizure disorders of unknown etiology. As a result of this program expansion, medical, psychological, social and vocational rehabilitation services are now available to a greater number of severely handicapped individuals.

7. Expanding the Comprehensive Rehabilitation Center

A Comprehensive Rehabilitation Center for severely handicapped individuals has been in operation almost a year and has enabled the agency to better serve clients who would otherwise have to be served out-of-state at considerable expense and have their continuity of services reduced upon return to their communities. Program emphases in the Comprehensive Center focus on client assessment, adjustment training, occupational therapy, physical therapy and activities of daily living.

During the year, 115 severely disabled clients were served, including paraplegics, quadriplegics, other neurological disorders, stroke victims, amputees, and arthritics.

In the coming year, the program will be expanded to include an outpatient program with vans operating in the Metropolitan Columbia Area to transport severely disabled to the Center for individualized services. A survey revealed a group of severely disabled individuals who do not need residential services but can benefit from a day program.

To improve the service delivery system, the Department will increase the staffing pattern to include a Physical Therapy Aide, an Occupational Therapy Aide, an additional nurse, a Recreational Therapist, a Personal and Social Adjustment Instructor, a full-time Psychologist and a Custodian. It is felt that with the additional staff, the service delivery system will better meet the needs of the severely disabled and provide them a complete twenty-four hour day, seven days a week service program.

The Comprehensive Center, now licensed by the Department of Health and Environmental Control as an Intermediate Care Facility, will be expanded from its present eighteen bed capacity to a forty-two bed facility when funds become available.

8. General Administrative Measures

After a series of supervisory planning and training sessions during the past year, counselors and facility personnel were instructed to develop improved methods to detect and reach out to the severely disabled in their communities as an initial step toward expanding services to them. Following special efforts by the Commissioner to communicate the priority nature of services to the severely disabled, state supervisors were assigned responsibility for encouraging an intensive evaluation and service program for those presently on the caseload, reassessing the allocation of case service funds, intensifying our supervisory consultation and state office case review program, modifying staff assignments as needed, and developing an appropriate staff training program. It is expected that additional administrative action will be taken as needed to help expand and improve the service program throughout the coming year.

9. Personnel Resource Reallocation

As a result of personnel and caseload management studies, a series of personnel reallocations and reassignments have been made to produce a more equitable distribution of workloads and great consistency among similar types of programs. It is expected that one result of these changes will be to produce more frequent, more productive, and more timely contacts with clients, thus improving the quality of services for severely disabled individuals.

A significant personnel change has been to reduce the number of institutional and VR-PS counselors and shift these positions into strategic positions in communities where the quality and quantity of production needs to be increased.

10. Revised Case Service, Workshops and Facilities, and Personnel Manuals

Based on extensive program evaluation and planning activities conducted during the past year, a number of policy and procedural changes have been and will be incorporated into the casework, facilities, and personnel manuals designed to improve the quality of service to all clients, particularly the severely disabled. Many of these changes have been made to assure that clients will be selected who have substantial handicaps to employment and that substantial services are provided to each client. A primary goal of several key changes has been to assure that the agency's limited resources will be allocated to those clients who need them the most.

11. Inservice Training

A series of inservice training programs has been planned to (a) acquaint all levels of personnel with the objectives and requirements of the Rehabilitation Act of 1973 and amendments, (b) help firstline supervisors increase their effectiveness in supervision, program management and development of improved patterns of service, (c) help counselors and facility personnel improve their evaluation capabilities, (d) strengthen the adjustment services program and (3) modify staff attitudes and expertise in serving the severely disabled.

Special staff development programs have been designed for quality control specialists, area supervisors, statewide facilities, local workshop and facility supervisors, trust fund and SSI counselors and several types of specialty counselors.

Using findings from the agency's program evaluation, quality control, and case monitoring activities, an intensified effort will be made by state and area office personnel to conduct individual and small group training designed to identify methods of improving services to the severely disabled and train counselors in serving them in a more productive and expeditious manner.

9.11(a)A METHODS OF ADMINISTRATION (CIVIL RIGHTS)

(a) Pursuant to the provisions of Title VI of the Civil Rights Act of 1964, and the Regulations issued thereunder, the vocational rehabilitation program administered by the South Carolina Agency of Vocational Rehabilitation is being and will continue to be conducted in such manner that no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under such program on the ground of race, color, or national origin. The state agency is in fact administering the program in accordance with the law, the Regulations, and the policies and practices enumerated in Section (b) below.

(b) The State agency will conduct the vocational rehabilitation program in accordance with the provisions of Title VI and the Regulations issued thereunder, and, more specifically, will follow policies and practices including but not limited to those described below.

(1) No individual will on the ground of race, color, or national origin, be denied any service, financial aid, or other benefit provided under the vocational rehabilitation program or be provided a service, financial aid, or other benefit which is different, or is provided in a different manner, from that provided to others under the program. Such services, financial aid, or other benefits include all vocational rehabilitation services under the Vocational Rehabilitation Act, the Regulations Governing the Vocational Rehabilitation Program and the approved State Plan, and such related matters as the making of appointments, the designation of waiting periods, the selection of employment objectives, the quality of the services provided, and the selection of assignment of operators of vending stands and other small businesses.

(2) No individual will on the ground of race, color, or national origin be subjected to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under the vocational rehabilitation program, nor will the individual be restricted in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program. This includes any distinction with respect to spaces where services are offered or provided, housing and eating facilities, waiting rooms, and restrooms. Neither will separate times be set

aside on the ground of race, color, or national origin for the provision of services.

(3) Employees of the agency, or of other agencies or organizations participating in the vocational rehabilitation program, will not be assigned caseloads or clientele on the basis of race, color, or national origin of the persons being served.

(4) Individuals will not, on the ground of race, color, or national origin, be denied the opportunity to participate (Other than as employees except as provided in (5) below) in the vocational rehabilitation program or be afforded an opportunity to do so which is different from that afforded others. This includes opportunities to participate as providers of any services, as conferees, observers, consultants, or advisors.

(5) The agency will make no distinction on the ground of race, color, or national origin in its employment practices with respect to individuals seeking employment or employed under a part of the vocational rehabilitation program where a primary objective of that part is to provide employment. This includes situations in which the employment is provided to students, fellows, interns, residents, or others in training for related employment (including research associates or assistants in training for research work), or to provide remunerative activity to individuals who because of severe handicap cannot be readily absorbed into the competitive labor market.

(6) In making determination of the types of activity to be included in the Vocational rehabilitation program or the geographical areas in which such program or activity will be carried out, or the persons who will be served or afforded an opportunity to participate, criteria or methods of administration will not be used which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(7) The agency recognized that its obligation to conduct the program in accordance with the requirements of the law and Regulations extends not only to those activities which are conducted directly by the State Agency but also to all activities under the

program which are conducted by other agencies, institutions, organizations, or political subdivisions, through contracts, or other arrangements with the agency. This includes any activity supported with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements, and also includes other conditions which must be met in order to receive the Federal financial assistance.

(8) The agency will not approve any application, or make any expenditures, for the establishment of a workshop or rehabilitation facility, through the expansion, remodeling, or alteration of existing buildings, or the acquisition of initial equipment, until it obtains or furnishes an assurance in a form approved by the Commissioner of Vocational Rehabilitation that the applicant will comply with all the requirements imposed by or pursuant to the Act or the Regulations.

(9) The agency will maintain such records and submit such reports as may be required by the Commissioner of Vocational Rehabilitation to assure compliance with the regulations and will permit access during the normal business hours of the agency to such of its facilities, records, and other sources of information as may be pertinent to ascertain compliance with the regulations, and will require the same from other agencies, institutions, organizations, or political subdivisions participating in the program.

(10) The agency will make available to participants, beneficiaries, and other interested persons such information regarding the provisions of the Act and the Regulations, and make available such information in such manner, as may be required by the Commissioner of Vocational Rehabilitation to apprise such persons of the protections against discrimination assured them by the Act and the Regulations and will require the same from other agencies, institutions, organizations, or political subdivisions participating in the program.

METHODS OF ADMINISTRATION

(a) The agency will inform and instruct its own staff concerning their obligations under the Act, the Regulations, and the Statement of Compliance filed by the State agency by:

(1) Making copies of all pertinent documents available to the entire staff;

(2) Conducting as a regular part of its in-service training program, meetings to explain to all staff the intent and meaning of such documents and to instruct them as to their obligation in carrying out the policies contained therein;

(3) Conducting through regular supervisory channels, constant review of practices and policies to assure that no individual is being discriminated against because of race, color, or national origin.

(b) The agency will inform and instruct other agencies, institutions, organizations, political subdivisions, and vendors which provide services, financial aid, or benefits under the program of their obligations to comply with the Act, the Regulations, and the Statement of Compliance filed by the agency as a condition to their initial or continued financial participation in the program. This will be accomplished:

(1) By making clear, through written materials and personal explanations on a group or individual basis, the requirements of the Civil Rights Act and implementing Regulations and the policies and undertakings of the Department to effectuate these requirements;

(2) Where another agency, institution, organization, political subdivision, or vendor conducts any activity or furnishes vocational rehabilitation services under a subgrant, contract, or other arrangements, by assuring itself that such activity will be conducted or such services will be furnished in accordance with the agency's obligation in its Statement of Compliance. This will be accomplished in appropriate cases by determining that the agency, institution, organization, political subdivision, or vendor has executed an assurance in the form prescribed by the Department of Health, Education, and Welfare which is currently effective and applicable to the program under which the activity is conducted or the services furnished. In other cases, the Department will take appropriate steps to satisfy itself that

the other agency, institution, organization, political subdivision, or vendor has agreed to and is conducting the activity or furnishing the service in accordance with the provision of the Statement of Compliance. This includes the use of memoranda of understanding setting forth specific obligations and undertakings of the other agency, institution, organization, political subdivision, or vendor or certifications of compliance on each voucher presented for payment to the Department. In any event, regular on-the-spot checks will be made by the Department staff to assure the compliance of any other agency, institution, organization, political subdivision, or vending participating in the program.

(c) The agency will inform clients, participants, potential clients and participants, and other interested persons, of the fact that services, financial aid, and other benefits under the program are provided on a nondiscriminatory basis, as required by the Civil Rights Act, and of their right to file a complaint with the State agency, of their right to file a complaint with the Federal agency, or both, if they believe that discrimination on the ground of race, color, or national origin is being practiced. This will be accomplished by:

(1) Written notice to all clients and to all applicants; and

(2) Inclusion of appropriate explanatory statements in public information materials which will be made available to interested persons and particularly to those individuals and groups which may be sources of referrals and applications.

(d) All complaints concerning discrimination because of race, color, or national origin shall be filed in writing, shall describe the type of discrimination alleged, and shall indicate when and where such discrimination took place and describe any pertinent facts and circumstances surrounding the alleged discrimination. The complaint shall be signed by the person making it. All complaints shall be addressed to the State Administrator who will assign them for thorough investigation through established supervisory channels. After the complaint has been looked into, the Administrator shall determine whether or not any discriminatory practice has been carried on and if he determines that one has, he will take such actions as may be necessary to correct past practices and to prevent the recurrence of such discrimination.

The complainant shall be advised in writing as to the findings of the agency regarding the complaint.

The agency will maintain adequate records to show the action taken as a result of each complaint and will make such information available to the responsible departmental official or his duly authorized representative.

(e) At least once a year and more frequently in those cases where discriminatory practices are alleged or suspected, a representative of the Department will visit institutions, organizations, and political subdivisions participating in the program to assure that their practices conform to Title VI of the Civil Rights Act and the Regulations issued pursuant thereto as reflected in the Statement of Compliance. Through regular supervisory reviews, the State Administrator and supervisory personnel will determine whether discriminatory practices are being engaged in by Department personnel and will take such corrective action as may be required to insure that their actions are consistent with Title VI of the Civil Rights Act and the Regulations issued pursuant thereto as reflected in the Statement of Compliance.

PERSONNEL

GUIDELINES FOR EMPLOYMENT OF PERSONNEL
Section 1

The continued success of this Department's efforts in rehabilitating the handicapped depends on recruiting of qualified individuals to perform the tasks required to carry out the Departmental activities.

The following points must be carefully followed by supervisory personnel:

1. Is the position to be filled? Before any supervisor proceeds to discuss position vacancies with any applicants, he must first determine, through appropriate supervisory channels, that the position in question is to be filled. Once it has been verified that the position is to be filled, the supervisor should carefully review the job content of the position in order to determine the minimum qualifications necessary before any recruiting efforts are made.
2. Recruiting sources: In recruiting applications all potential sources of qualified individuals must be considered. People who have already proven themselves in the local community should be carefully considered as potential applicants. It should also be remembered that the State Office may have knowledge of applicants who have expressed an interest in the field of rehabilitation and who are believed to be qualified for further consideration.
3. Reception of applicants: Applicants, whether employed or not, can spread good will for our Department or give it a bad name, based on the treatment received. To maintain our good image and thus continue to attract good applicants, keep these suggestions in mind:
 - (a) Treat each applicant with courtesy.
 - (b) Keep up with interpretations of the Civil Rights Law and the Department's and State's policies regarding employment practices.
 - (c) Do not make vague promises, or tell any applicant to keep checking back if there are no foreseeable suitable job openings.
4. Preliminary interviews: The Initial Interview Card is to be used in conjunction with the preliminary interview. This information should be carefully completed, since this data is needed for statistical reports required of the Department. The card is to be forwarded to the Personnel Office and a copy is to be maintained in the local office. You should notice that an application is given to an applicant only after it appears that the individual meets or exceeds qualifications.
5. Preliminary screening: Any preliminary screening of an applicant should be based on the following information:
 - (a) Application Blank: Obtain an application from an applicant only if the applicant appears suitable for employment after the preliminary interview. Insure that the application is completed and signed. If there are any chronological gaps in the employment history, school attendance etc. these should be checked.

Revised 5/28/74

PERSONNEL

EMPLOYEE GRIEVANCE AND
APPEAL PROCEDURES

3-4

PURPOSE:

The purpose of this Policy is to provide a means whereby an employee who has six months of satisfactory employment with the Vocational Rehabilitation Department and feels that he has been subjected to unfair, discriminatory or abusive treatment may secure a hearing without delay and be assured of a prompt, orderly and fair response to the grievance or appeal.

POLICY:

The South Carolina Vocational Rehabilitation Department recognizes the right of employees to present and seek answers to grievances without fear of restraint, interference, coercion, discrimination or reprisal.

Employees who submit formal grievances may elect to be accompanied by another employee of his own choosing.

Members of the Grievance and Appeal Committee, presently employed personnel involved in a grievance hearing, and witnesses may attend Committee hearings without charge to leave or loss of pay. Employees may obtain from their supervisors a reasonable amount of time off without charge to leave or loss of pay for the purpose of securing advice on rights and privileges provided by this Policy and for obtaining information and assistance pertaining to their grievance which can only be obtained during normal working hours.

The Personnel Office will explain the procedures in detail to any employee and give assistance if needed. The predominant role of the Personnel Office in settling grievances is that of an advisor functioning objectively in a staff capacity. The Personnel Office is available to counsel with the employee and the supervisor in any phase of the formal grievance procedure.

Upon completion of the Employee Grievance and Appeal Committee hearing and the final decision, a copy of the Committee transcripts and other related correspondence will be forwarded to the Personnel Office for filing in the employee's personnel folder. All transcripts, records and findings of the Committee are property of the South Carolina Vocational Rehabilitation Department and are confidential. The records will not be made available for review to anyone except Departmental employees designated by the Commissioner of the South Carolina Vocational Rehabilitation Department.

PROCEDURE:

The formal grievance and appeal procedure will not be utilized until the employee has discussed his grievance with his immediate supervisor on an informal basis. The Immediate supervisor should make every effort

PERSONNEL

EMPLOYEE GRIEVANCE AND
APPEAL PROCEDURES
3-4 (continued)

to resolve the problem on an informal basis. The employee's immediate supervisor should consult with his immediate supervisor concerning the problem or grievance. If the problem cannot be resolved on an informal basis, the employee may then utilize the formal grievance and appeal procedure. The following procedure shall regulate the submission, presentation and processing of all employee grievances.

Step One

If an employee has a problem or a grievance which cannot be resolved through the normal process of informal discussion, he may complete SCVR Form 64, Employee's Request for a Formal Grievance Hearing (see Exhibit 1). Copies of this form should be sent to the immediate supervisor and to the Personnel Office. After an employee requests a formal hearing, the immediate supervisor will schedule a hearing within five (5) calendar days after the formal request is filed and will hear the grievance and review the facts in an impartial manner. The immediate supervisor may call higher level supervisors into the discussion if the employee agrees, or the immediate supervisor may consult with higher level supervisors outside the formal hearing to secure advice before making a decision.

The employee shall receive an answer within ten (10) calendar days after the start of the first step of the hearing, or the employee will be notified and advised as to when an answer may be expected. The immediate supervisor will complete SCVR Form 65, Summary of Supervisory Grievance Hearing (see Exhibit 2), and send copies to the employee requesting the hearing and to the Personnel Office.

When the employee is notified of the decision of the immediate supervisor, the employee will be advised that he has the right to appeal the immediate supervisor's decision if a mutually agreeable decision has not been made.

Step Two

If the employee feels that the decision reached in the first step is not satisfactory or if the employee fails to receive an answer within the designated period of time provided in the first step, the matter may be referred by the employee to the Employee Grievance and Appeal Committee. The Commissioner of the Vocational Rehabilitation Department shall appoint an ad hoc Employee Grievance and Appeal Committee which shall be composed of three (3) employees of the Department. Any request for review at this stage will be submitted in writing to the Commissioner of the Vocational Rehabilitation Department within five (5) calendar days after receipt of the first step decision. The employee should state clearly the nature of his grievance and why the decision in the first step is unfair.

The Employee Grievance and Appeal Committee will schedule a hearing within ten (10) calendar days after receiving the request for a hearing. The Committee shall conduct whatever hearings, interrogation, investigations and fact-finding activities necessary to determine the facts.

PERSONNEL

EMPLOYEE GRIEVANCE AND
APPEAL PROCEDURES
3-4 (Continued)

At the conclusion of the hearings by the Employee Grievance and Appeal Committee, it will be the responsibility of the Committee to inform the Commissioner of the Department within ten (10) calendar days after the Committee hearing of the details of the problem, the reasons why it was not resolved at lower levels, and recommendations of the Committee. The Commissioner of the Department will make a decision within five (5) calendar days after receiving the decision and recommendations of the Committee, and his decision will be given to the employee, with copies to all concerned parties.

STATE EMPLOYEES GRIEVANCE COMMITTEE

Any employee who has six (6) months satisfactory service with the State may appeal a decision of the Department to the State Employees Grievance Committee. Such appeal must be in writing and submitted to State Personnel Division within ten (10) calendar days following the decision of the Department.

The Vocational Rehabilitation Department's grievance and appeal procedure shall not exceed the total of forty-five (45) calendar day time limit from beginning to end. Should the time period for the final decision exceed the forty-five (45) calendar day limit, an employee has the right to appeal directly to the State Employee Grievance Committee.

PERSONNEL

EXHIBIT A

EMPLOYEE GRIEVANCE AND
APPEAL PROCEDURES
3-4 (Continued)

EMPLOYEE'S REQUEST FOR A FORMAL GRIEVANCE HEARING

Name _____ Position Title _____
Location _____ Supervisor _____
Date _____

NATURE OF GRIEVANCE AND THE REASON A FORMAL HEARING IS BEING REQUESTED:
(To be completed by employee)

Signature of Employee

Copies to: Immediate Supervisor
Personnel Office

SCVR Form 64

PERSONNEL

EXHIBIT B

EMPLOYEE GRIEVANCE AND
APPEAL PROCEDURES
3-4 (Concluded)

SUMMARY OF SUPERVISORY GRIEVANCE HEARING

Employee Requesting Grievance Hearing _____

Place of Supervisory Hearing _____

Date of Hearing _____

1. Individuals in attendance at hearing:

(a) _____ (c) _____

(b) _____ (d) _____

2. Nature of Grievance:

3. Summary of Facts:

4. Supervisor's Decision(s):

5. Has employee been advised of right to appeal to VR Grievance Committee?

_____ Yes _____ No

Signature of Supervisor

Date

6. The Supervisor's decision has been discussed with and accepted by me.

Signature of Employee

Date

Copies to: Employee Requesting Hearing
Personnel Office

SCVR Form 65

PERSONNEL

EQUAL EMPLOYMENT OPPORTUNITY
3-5PURPOSE:

In accordance with the South Carolina Human Affairs Law, the Rehabilitation Act Amendments of 1974, the Equal Employment Opportunity Act of 1972 and sound personnel practices the South Carolina Vocational Rehabilitation Department provides for equal practices in employment, terminations, up-grading, training, demotions and treatment of individuals.

GENERAL POLICY:

The Equal Opportunity Program of this Department applies to both employees and applicants. Both are to be considered for opportunities with this Department on the basis of job-related individual differences and not solely on the basis of factors such as sex, race, color, creed, age, national origin, or physical disability. This Department adheres to this policy not solely because of legal requirements, but because it is a basic element of human dignity.

COMMUNICATING OBJECTIVES:

The Personnel Director is the Equal Opportunity Officer and through the Commissioner periodically reaffirms the Equal Opportunity Program. Each supervisor is responsible for taking positive affirmative actions within his specific work area. Supervisor responsibilities extend to explaining and discussing the affirmative action program with subordinates.

CLASSIFICATION AND COMPENSATION:

This Department continuously reviews the classification and compensation levels of its employees to assure equal pay for equal work regardless of sex, age, race, physical disability.

EMPLOYMENT PROCESS (RECRUITMENT, SELECTION AND PLACEMENT):

Supervisors should make every effort to attract, recruit and employ qualified employees from all minority groups. Applicants are accepted for positions on the basis of job-related individual differences and not on the basis of factors such as race, religion, national origin, sex, or physical disability.

PERSONNEL

EQUAL EMPLOYMENT OPPORTUNITY
3-5 (Concluded)

OTHER PERSONNEL ACTIONS (PROMOTIONS, DEMOTIONS, TERMINATIONS, TRAINING,
PERFORMANCE APPRAISALS):

Supervisors should keep the State Office Staff informed as to names of employees who can be considered for promotional and training opportunities. It is the responsibility of supervisors to counsel with employees on a periodic basis, thereby providing an opportunity to discuss grievances, training needs and career opportunities. Exit interviews should be conducted by supervisory staff to find reasons and solutions to any turnover problems.

WORK ENVIRONMENT:

Special efforts should be made by supervisory staff to assure that the work environment and atmosphere does not include discriminatory elements. An important element in eliminating discrimination in the work environment is the orientation of new employees.

COMPLAINT PROCEDURES:

Any employee who feels that they have been discriminated against should consult with their supervisor and refer to the Grievance Procedure Policy.

FIELD MANAGEMENT

CIVIL RIGHTS
Section 3CIVIL RIGHTS:

Pursuant to the provisions of Title VI of the Civil Rights Act of 1964, and the Regulations issued thereunder, the Vocational Rehabilitation Department is conducted in such manner that no person is excluded from participation in, be denied the benefits of, or be subjected to discrimination under such program on the ground of race, color or national origin.

No individual will on the ground of race, color or national origin, be denied any service, financial aid, or other benefit provided under the vocational rehabilitation program or be provided a service, financial aid, or other benefit which is different, or is provided in a different manner, from that provided to others under the program. Such services, financial aid, or other benefits include all vocational rehabilitation services under the Vocational Rehabilitation Act, the Regulations Governing the Vocational Rehabilitation Program and the approved State Plan, and such related matters as the making of appointments, the designation of waiting periods, the selection of employment objectives, the quality of the services provided, and the selection of assignment of operators of vending stands and other small businesses.

No individual will on the ground of race, color or national origin be subjected to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under the vocational rehabilitation program, nor will the individual be restricted in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under the program. This includes any distinction with respect to spaces where services are offered or provided, housing and eating facilities, waiting rooms, and restrooms. Neither will separate times be set aside on the ground of race, color or national origin for the provision of services.

Additional information pertaining to Civil Rights may be found in the Case Services Manual.

Hearing On Applicant's Appeals - An applicant for or recipient of vocational rehabilitation services under the State Plan who is dissatisfied with any state agency decision with regard to the furnishing or denial of services may file a request in writing for review and re-determination of that decision and such review shall be made by the Supervisor of Rehabilitation Services or his designated representative.

Opportunity for a fair hearing before the Department or the state administrator will be granted to any individual whose application for vocational

FIELD MANAGEMENT

CIVIL RIGHTS
Section 3 (Concluded)

rehabilitation services under the plan is denied or is not acted upon with reasonable promptness, provided the person makes the request in writing.

The standards and procedures adopted by the Department to ensure a fair hearing are:

1. Applicants for vocational rehabilitation shall be advised of their right to an opportunity for a fair hearing in the event the application is denied or is not acted upon with reasonable promptness.
2. The hearing shall be held at a time and place convenient to the individual requesting a fair hearing. Such individual will be notified in writing as to the time and place of such hearing within a reasonable time in advance of such hearing. Such individual will also be notified in writing of his right to be represented at the hearing by counselor or a friend, if he so desires, and he will be so notified in time to have an adequate opportunity to prepare his case.
3. At the hearing, the individual, and his representative if he desires to have one, will have an adequate opportunity for cross-examination and to present evidence in his behalf.
4. The hearing shall be held before an official or officials of the State Agency who, insofar as possible, have not taken part in the action under consideration. Authority to make the final decision based upon the record shall be exercised by the Department or the state administrator.
5. The verbatim transcript of the testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and reports filed in the proceedings and the hearing officer's recommendation, shall constitute the exclusive record for decision and shall be available to the individual at any reasonable time.
6. The decision shall set forth the issue, principle, and relevant facts brought out at the hearing, the pertinent provision in law and in agency policy, and the reasoning that led to the decision. The individual shall be forwarded a copy of the decision or shall be advised in writing of the content.

Chapter 1

DEVELOPMENT OF COMMUNITY RESOURCES AND REFERRAL SOURCES

The Vocational Rehabilitation Department exists for the benefit of the disabled persons of the state. Secondly, it exists for the benefit of society since the economy of the state is affected. The staff assumes the role of representing both the handicapped individual and the state in providing such services as may be necessary in the complete rehabilitation of the disabled person. It is the responsibility of the staff to insure that the disabled person is informed of the services that are available for making him a useful, self-reliant, and self-sufficient citizen.

Vocational Rehabilitation is a community function. The Vocational Rehabilitation staff can furnish leadership and coordination, but they need the help and cooperation of community facilities, agencies, and individuals. The staff should have a continuing system for developing and improving community relationships. They should know their community, the leaders, and the resources. They should participate in and affiliate with groups interested in human welfare, such as civic groups, councils of social work, mental hygiene societies, county health councils, educational clubs, and other such organizations. They should assume a leadership role in developing community facilities which may be needed in the rehabilitation process. The staff should be familiar with the details of cooperative agreements between the Vocational Rehabilitation Department and other state-wide agencies. They should be alert to the opportunities for developing close working relationships on a local level.

Referral Sources in the Community

The establishment and the development of an organized system of referrals is the first basic principle necessary to the successful operation of a vocational rehabilitation program. This system should insure a regular flow of applicants with a distribution among age, sex, race, disabilities, and background. Such distribution is necessary in order to insure that all groups are reached. The counselor should maintain a schedule of regular contacts with education, health, welfare, and social agencies, physicians and other individuals who serve handicapped persons. The counselor should arrange his itinerary so that all referral sources are visited regularly and so that prospective clients may be seen without delay or inconvenience.

The local school system is a fruitful referral source. It has been found that an effective method of locating referrals in schools is for the counselor to discuss the vocational rehabilitation program and eligibility requirements before each senior class at least once each year. Since many handicapped children do not reach the senior class, the counselor should also contact members of the teaching staff and explain the vocational rehabilitation program and receive such referrals.

Chapter 12

CIVIL RIGHTS

Pursuant to the provisions of Title VI of the Civil Rights Act of 1964, and the Regulations issued thereunder, the Vocational Rehabilitation Department is conducted in such manner that no person is excluded from participation in, be denied the benefits of, or be subjected to discrimination under such program on the ground of race, color or national origin.

No individual will on the ground of race, color or national origin, be denied any service, financial aid, or other benefit provided under the vocational rehabilitation program or be provided a service, financial aid, or other benefit which is different, or is provided in a different manner, from that provided to others under the program. Such services, financial aid, or other benefits include all vocational rehabilitation services under the Vocational Rehabilitation Act, the Regulations Governing the Vocational Rehabilitation Program and the approved State Plan, and such related matters as the making of appointments, the designation of waiting periods, the selection of employment objectives, the quality of the services provided, and the selection of assignment of operators of vending stands and other small businesses.

No individual will on the ground of race, color or national origin be subjected to segregation or separate treatment in any matter related to receipt of any service, financial aid or other benefit under the vocational rehabilitation program, nor will the individual be restricted in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under the program. This includes any distinction with respect to spaces where services are offered or provided, housing and eating facilities, waiting rooms and restrooms. Neither will separate times be set aside on the ground of race, color or national origin for the provision of services.

The counselors and other staff members will inform and instruct other agencies, institutions, organizations, political subdivisions, and vendors which provide services, financial aid or benefits under the program of their obligations to comply with the Act, the Regulations and the Statement of Compliance filed by the agency as a condition to their initial or continued financial participation in the program. This will be accomplished:

- (1) By making clear, through written materials and personal explanations on a group or individual basis, the requirements of the Civil Rights Act and implementing Regulations and the policies and undertakings of the Department to effectuate these requirements.

- (2) Where another agency, institution, organization, political subdivision, or vendor conducts any activity or furnishes voca-

tional rehabilitation services under a subgrant, contract or other arrangements, by assuring itself that such activity will be conducted or such services will be furnished in accordance with the agency's obligation in its Statement of Compliance. This will be accomplished in appropriate cases by determining that the agency, institution, organization, political subdivision, or vendor has executed an assurance in the form prescribed by the Department of Health, Education and Welfare which is currently effective and applicable to the program under which the activity is conducted or the services furnished. In other cases, the Department will take appropriate steps to satisfy itself that the other agency, institution, organization, political subdivision or vendor has agreed to and is conducting the activity or furnishing the service in accordance with the provision of the Statement of Compliance. This includes the use of memoranda of understanding setting forth specific obligations and undertakings of the other agency, institution, organization, political subdivision or vendor or certifications of compliance on each voucher presented for payment to the Department. In any event, regular on-the-spot checks will be made by the Department staff to assure the compliance of any other agency, institution, organization, political subdivision or vending participating in the program.

The Vocational Rehabilitation Staff will inform clients, participants, potential clients and participants and other interested persons, of the fact that services, financial aid and other benefits under the program are provided on a nondiscriminatory basis, as required by the Civil Rights Act, and of their right to file a complaint with the State agency, or their right to file a complaint with the Federal agency, or both, if they believe that discrimination on the ground of race, color or national origin is being practiced. This will be accomplished by:

- (1) Written notice to all clients and to all applicants; and
- (2) Inclusion of appropriate explanatory statements in public information materials which will be made available to interested persons and particularly to those individuals and groups which may be sources of referrals and applications.

All complaints concerning discrimination because of race, color or national origin shall be filed in writing, shall describe the type of discrimination alleged, and shall indicate when and where such discrimination took place and describe any pertinent facts and circumstances surrounding the alleged discrimination. The complaint shall be signed by the person making it. All complaints shall be addressed to the Department Commissioner who will assign them for thorough investigation through established supervisory channels. After the complaint has been looked into, the Commissioner shall determine whether or not any discriminatory practice has been carried on and if he determines that one has, he will take such actions as may be necessary to correct past practices and to prevent the recurrence of such

discrimination.

The complainant shall be advised in writing as to the findings of the agency regarding the complaint.

The Department maintains adequate records to show the action taken as a result of each complaint and will make such information available to the responsible departmental official or his duly authorized representative.

At least once a year and more frequently in those cases where discriminatory practices are alleged or suspected, the counselor will visit vendors, institutions, organizations and political subdivisions participating in the program in his geographical area to assure that their practices conform to Title VI of the Civil Rights Act, and a statement in writing will be submitted through the Area Supervisor to the State Office.

Civil Rights Compliance Report on Case Review by Program Specialist

1. Civil Rights Compliance Report for Counselors.
Through out the case study the Program Specialist should be alert to detect any evidence in the folder that the counselor could improve his performance in case development as it related to full compliance with the Civil Rights regulations. A special form is provided to record his findings. This form should be completed on each counselor when the initial case study is made and the report is submitted to the Supervisor, Division of Case Services. A copy of the form is included herein.
2. Civil Rights Compliance Annual Report of Offices.
This form is completed yearly on each office by a program specialist from the Division of Rehabilitation Services. A copy is included herein.

SOUTH CAROLINA VOCATIONAL REHABILITATION DEPARTMENT

CIVIL RIGHTS COMPLIANCE REPORTS

FOR
VOCATIONAL REHABILITATION COUNSELORS

Name of Counselor _____ Office _____

Type of Caseload _____ Geographical Area _____

Name of Reviewer _____ Date _____

Number of cases reviewed _____ Was there an adequate number of minority cases in the first twenty-five cases pulled. If not, explain _____

1. Dissemination of staff information - each counselor should explain:

a. The agency's responsibilities under Title VI: The South Carolina Agency of Vocational Rehabilitation is being and will continue to be conducted in such manner that no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under such program on the ground of race, color or national origin. The state agency is in fact administering the program in accordance with the law, the Regulations, and the policies and practices as outlined in the State Plan. Remarks: _____

b. His responsibilities under Title VI: The counselor will inform clients, participants, potential clients and participants, and other interested persons, of the fact that services, financial aid and other benefits under the program are provided on a nondiscriminatory basis, as required by the Civil Rights Act, and of their right to file a complaint with the State agency, or their right to file a complaint with the Federal agency, or both, if they believe that discrimination on the ground of race, color or national origin is being practiced. Remarks: _____

c. His responsibility for assuring vendor compliance within his service area: He informs and instructs other agencies, institutions, organizations, political subdivisions and vendors which provide services, financial aid, or benefits under the program of their obligations to comply with the act, the regulations, and the statement of compliance filed by the agency as a condition to their initial or continued financial participation in the program. Remarks: _____

2. Vendor Information

How have agency vendors been made aware of their responsibilities under Title VI? _____

3. Client Information

How are applicants and beneficiaries informed of:

a. Their rights under Title VI: By personal explanations and written instructions. Remarks: _____

- b. Their right to file a complaint of discrimination: By personal explanations and written instructions. Remarks: _____
- c. The Procedure for filing a complaint of discrimination: By personal explanations. Remarks: _____
- d. Is counselor aware of procedure of filing complaint: (See Sect. 25 State Federal Manual) Yes _____ No _____
4. Administration
- a. On what basis is the caseload assigned to workers? Geographical areas.
- b. Internal Review of Compliance
Is there a periodic review of case files, by race, to determine if there is:
1. Uniform consideration of requests for assistance. _____
 2. Uniformity of promptness of notification of the clients of the decision on his case. _____
 3. Uniformity of average time for case handling for minority and majority applicants. _____
 4. Referral Sources:
Have all referral sources referred both white and nonwhite clients to the counselor or his supervisor? If exceptions, please note.

5. Compare white and nonwhite cases with respect to:

	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
a. Is processing time adequate	_____	_____	_____
b. Are needs appropriate and adequate	_____	_____	_____
c. Is type of training suitable	_____	_____	_____
d. Is vocational objective in keeping with client's maximum potential	_____	_____	_____
e. Are accomplishments what they should be	_____	_____	_____
f. Is dollar cost for client on equitable basis	_____	_____	_____
g. Is dollar earnings after service equitable	_____	_____	_____
h. Is employment placement compatible	_____	_____	_____

Document similarities and/or differences between whites and nonwhites with respect to categories "a" through "h". Were all cases handled similarly? Explain.

- a. List Title VI deficiencies in numerical order..

- b. Recommended solutions - list in numerical order (Include a time limit for resolving each deficiency)

- c. Revisit data. Enter date of revisit and document changes in numerical order.

SOUTH CAROLINA VOCATIONAL REHABILITATION DEPARTMENT
CIVIL RIGHTS COMPLIANCE ANNUAL REPORT
OF OFFICES

Office _____ Date _____

1. Equality of treatment by Department.

For each of the following, wherever applicable, please indicate whether there may be any discrimination on the basis of race, color or national origin:

	For clients			For Staff			REMARKS
	Yes	No	NA	Yes	No	NA	
a. Equality of use of office facilities, including:							
(1) Waiting rooms	___	___	___	___	___	___	___
(2) Conference rooms	___	___	___	___	___	___	___
(3) Toilets and Laboratory facilities	___	___	___	___	___	___	___
(4) Interviewing rooms	___	___	___	___	___	___	___
(5) Entrances and Exits	___	___	___	___	___	___	___
(6) Drinking fountains	___	___	___	___	___	___	___
(7) Lunch rooms	___	___	___	___	___	___	___
(8) Other (specify)	___	___	___	___	___	___	___
(9) _____	___	___	___	___	___	___	___
(10) _____	___	___	___	___	___	___	___
b. Use of Courtesy Titles	___	___	___	___	___	___	___
c. Opportunity to Apply	___	___	___	___	___	___	___
d. Service at Intake, including:							
(1) Handling requests in turn	___	___	___	___	___	___	___
(2) Opportunity to relate individual needs	___	___	___	___	___	___	___
(3) Equal Consideration of Requests for Assistance	___	___	___	___	___	___	___

	For Clients		
	Yes	No	NA
(4) Applicants Informed Promptly of Case Decisions	___	___	___
(5) Applicants Informed as to Rights to Appeal, File Complaints, etc.	___	___	___
(6) Referrals	___	___	___
(7) Other (specify)	___	___	___
_____	___	___	___
(8) _____	___	___	___
(9) _____	___	___	___
(10) _____	___	___	___
e. Provision of Social Services (by Agency, Vendors, etc.)	___	___	___

(SKIP NEXT QUESTION IF NO INDICATION OF DISCRIMINATION IN PRECEDING QUESTION.)

2. For each instance of discrimination noted in the previous question, please indicate briefly: (a) nature and extent of discrimination: and (b) corrective action(s) taken -- if any -- to comply with Title VI. (Identify each instance by number associated with each item in previous question.)

Item No.	Nature - Extent of Discrimination	Corrective Actions (If None, write "None".)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reviewer

12-8

SOUTH CAROLINA STATE LIBRARY



HEARINGS ON APPLICANT'S APPEALS

Administrative Review

An applicant for or recipient for vocational rehabilitation services under the State Plan who is dissatisfied with any state agency decision with regard to the furnishing or denial of services may file a request in writing for review and redetermination of that decision and such review shall be made by the supervisor of rehabilitation services or his designated representative.

Opportunity for a fair hearing before the department of the state administrator will be granted to any individual whose application for vocational rehabilitation services under the plan is denied or is not acted upon with reasonable promptness, provided the person makes the request in writing.

The standards and procedures adopted by the Department to ensure a fair hearing are:

1. Applicants for vocational rehabilitation shall be advised of their right to an opportunity for a fair hearing in the event the application is denied or is not acted upon with reasonable promptness.

2. The hearing shall be held at a time and place convenient to the individual requesting a fair hearing. Such individual will be notified in writing as to the time and place of such hearing within a reasonable time in advance of such hearing. Such individual will also be notified in writing of his right to be represented at the hearing by counselor or a friend, if he so desires, and he will be so notified in time to have an adequate opportunity to prepare his case.

3. At the hearing, the individual, and his representative if he desires to have one, will have an adequate opportunity for cross-examination and to present evidence in his behalf.

4. The hearing shall be held before an official or officials of the state agency who, insofar as possible, have not taken part in the action under consideration. Authority to make the final decision based upon the record shall be exercised by the department or the state administrator.

5. The verbatim transcript of the testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and reports filed in the proceedings and the hearing officer's recommendation, shall constitute the exclusive record for decision and shall be available to the individual at any reasonable time.

6. The decision shall set forth the issue, principle and relevant facts brought out at the hearing, the pertinent provision in law and in agency policy, and the reasoning that led to the decision. The individual shall be forwarded a copy of the decision or shall be advised in writing of the content.

